ZONING ORDINANCE

THE BOROUGH OF MYERSTOWN
LEBANON CO., PA

ADOPTED: 03/13/79

AMENDED:

ORD. # 613 – 11/11/80
ORD. # 615 – 12/09/80
ORD. # 624 – 12/08/81 (MAP ONLY)
ORD. # 637 – 09/13/83
ORD. # 645 – 12/11/84 (MAP ONLY)
ORD. # 679 – 05/13/86
ORD. # 697 – 08/09/88
ORD. # 702 – 03/14/89 (MAP ONLY)
ORD. # 704 – 03/14/89 (MAP ONLY)
ORD. # 767 – 08/11/98

PREPARED BY:
LEBANON COUNTY PLANNING DEPARTMENT
CHAPTER XXVI

ZONING ORDINANCE

Table of Contents

<table>
<thead>
<tr>
<th>Part</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preamble</td>
<td>232</td>
</tr>
<tr>
<td>Definitions</td>
<td>234</td>
</tr>
<tr>
<td>Provisions for Official Zoning Map</td>
<td>244</td>
</tr>
<tr>
<td>Rules for Interpretation of District Boundaries</td>
<td>245</td>
</tr>
<tr>
<td>Application of District Regulations</td>
<td>245</td>
</tr>
<tr>
<td>Use Districts</td>
<td>246</td>
</tr>
<tr>
<td>R-1, Low Density Residential Districts</td>
<td>246</td>
</tr>
<tr>
<td>R-2, Medium Density Residential Districts</td>
<td>248</td>
</tr>
<tr>
<td>R-3, High Density Residential Districts</td>
<td>250</td>
</tr>
<tr>
<td>R-4, Special Purpose Residential Districts</td>
<td>252</td>
</tr>
<tr>
<td>OI, Office &amp; Institutional Districts</td>
<td>254</td>
</tr>
<tr>
<td>C-1, Central Business Districts</td>
<td>256</td>
</tr>
<tr>
<td>C-2, Highway-Oriented Commercial Districts</td>
<td>258</td>
</tr>
<tr>
<td>C-3, Neighborhood Commercial Districts</td>
<td>261</td>
</tr>
<tr>
<td>I-1, Industrial Districts</td>
<td>263</td>
</tr>
<tr>
<td>F, Flood Plain Districts</td>
<td>266</td>
</tr>
<tr>
<td>Nonconforming Lots, Uses and Structures</td>
<td>274</td>
</tr>
<tr>
<td>Planned Residential Development</td>
<td>277</td>
</tr>
<tr>
<td>Supplementary District Regulations</td>
<td>281</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>287</td>
</tr>
<tr>
<td>Signs and Advertising Structures</td>
<td>292</td>
</tr>
<tr>
<td>Administration and Enforcement</td>
<td>296</td>
</tr>
<tr>
<td>Zoning Hearing Board: Establishment and Procedure</td>
<td>298</td>
</tr>
<tr>
<td>Zoning Hearing Board: Powers and Duties</td>
<td>299</td>
</tr>
<tr>
<td>Appeals from the Zoning Hearing Board</td>
<td>301</td>
</tr>
<tr>
<td>Duties of Administrative Official</td>
<td>301</td>
</tr>
<tr>
<td>Schedule of Fees, Charges, and Expenses</td>
<td>301</td>
</tr>
<tr>
<td>Amendments</td>
<td>302</td>
</tr>
<tr>
<td>Declared to be Minimum Requirements</td>
<td>302</td>
</tr>
<tr>
<td>Complaints Regarding Violations</td>
<td>302</td>
</tr>
<tr>
<td>Penalties for Violations</td>
<td>303</td>
</tr>
<tr>
<td>Separability Clause</td>
<td>303</td>
</tr>
<tr>
<td>Repeal of Conflicting Ordinances and Effective Date</td>
<td>303</td>
</tr>
</tbody>
</table>
BOROUGH OF MYERSTOWN
ORDINANCE NO. 605
AMENDING ORDINANCE NO. 479 "THE ZONING ORDINANCE"

An Ordinance, amending the Borough of Myerstown Zoning Ordinance of 1968, establishing comprehensive zoning regulations for the Borough of Myerstown, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of the Pennsylvania Municipalities Planning Code, and for the repeal of all ordinances in conflict herewith.

WHEREAS, ARTICLE VI, Pennsylvania Municipalities Planning Code, empowers the Borough to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the Borough of Myerstown adopted such an ordinance on December 10, 1968, and

WHEREAS, the Borough Council deems it necessary for the purpose of promoting the health, safety, and general welfare of the Borough to amend said Ordinance of 1968, and

WHEREAS, the Borough Planning Commission of the Borough of Myerstown proposed said amendments in accordance with Article VI, Pennsylvania Municipalities Planning Code, and

WHEREAS, said amendments were submitted to the Lebanon County Planning Department pursuant to Article VI of the Pennsylvania Municipalities Planning Code, and

WHEREAS, the Planning Commission divided the Borough into districts and has prepared regulations pertaining to such districts in accordance with a Comprehensive Plan and the community Goals and Objectives stated herein, designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare, to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, and

WHEREAS, the Planning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

WHEREAS, the Planning Commission has made recommendations to the Borough Council on the proposed amendment, and

WHEREAS, the Borough Council has given due public notice of the amendment, and

WHEREAS, all requirements of Act 247 State Statutes, with regard to the preparation of the recommendation of the Planning Commission and subsequent action of the Borough Council, have been met;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF MYERSTOWN, LEBANON COUNTY, PENNSYLVANIA:
PART I
DEFINITIONS

Unless otherwise expressly stated, the following words and phrases shall have the meaning herein indicated. The commonly accepted definition shall apply if the word or phrase is not otherwise defined in this Ordinance.

Words used in the present tense include future tense. The singular includes the plural.

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as individual.

The word "lot" includes the word "plot" or "parcel".

The term "shall" is always mandatory; the word "may" is permissive.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

ACCESSORY BUILDING:
A building detached from and subordinate to the principal building on the same lot and used for purposes customarily incidental to the principal building, but not construed to include vehicles, mobile homes, travel trailers or any parts thereof.

ACCESSORY USE:
A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ALTERATIONS:
As applied to a building or structure, any change or rearrangement of the total floor area, or any enlargement, whether by extending on a side or by increasing in height, or moving from one (1) location or position to another.

ALTERATIONS, STRUCTURAL:
Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

AREA, LOT:
The total area within the lot lines, excluding right-of-way areas.

BASEMENT:
A story partly below the finished grade, but having more than one-half (½) of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building. A basement shall be considered as one (1) story in determining the permissible number of stories.
BUILDING:
Any structure, occupying more than nine (9) square feet in area, having a roof supported by columns, piers or walls and intended for the shelter, housing or enclosure of human beings, animals, or chattel, including covered porches, bay windows, and chimneys (See building area), or for use and occupation for some purpose of trade or manufacture.

BUILDING, ATTACHED:
A building which has two (2) party walls in common.

BUILDING, DETACHED:
A building which has no party wall.

BUILDING, SEMI-DETACHED:
A building which has only one (1) party wall in common.

BUILDING, PRINCIPAL:
A nonaccessory building in which the principal use of the lot is conducted.

BUILDING AREA:
The total areas of outside dimensions on a horizontal plane at ground level of the principal building and all accessory buildings exclusive of cornices, eaves, gutters, or chimneys projecting not more than eighteen (18) inches; bay windows not extending through more than one (1) story and not projecting more than five (5) feet; steps and balconies.

BUILDING HEIGHT:
The vertical dimensions measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof, to the deckline of a mansard roof and to the average height between the plate and ridge of a gable, hip or gambrel roof.

BUILDING LINE:
A line parallel to the front, side or rear lot line or public right-of-way line set so as to provide the required yard setback.

CARPORT:
See Garage, Private.

*CELLAR:
A space having less than one-half (½) of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior wall of the building. A cellar shall not be considered a story in determining the permissible number of stories.

CERTIFICATE OF ZONING COMPLIANCE:
A certificate issued and enforced by the Zoning Officer, upon completion of the construction of a new building or upon a change or conversion of a structure or use of a building, which certifies that the applicant has complied with any and all requirements and regulations as provided herein and all other applicable requirements.

COMMON OPEN SPACE:
A parcel of land or water or combination of both located within a development site and designed and intended for use or enjoyment of residents of a planned development

*Amended 11-11-80
not including streets, off-street parking areas, and areas set aside for public facilities.

CUSTOMARY HOUSEHOLD PETS:
Such pets as are normally found within the home, such as dogs, cats, hamsters, birds, etc.

DISTRICT:
A portion of the Borough of Myerstown within which certain uniform regulations and requirements or combination thereof apply under the provisions of this Ordinance.

DOG KENNEL:
Any premises, except where accessory to an agricultural use, where three (3) or more dogs, ten (10) weeks in age or older, are kept or boarded.

DORMITORY:
A building containing three (3) or more sleeping units used as the more or less temporary abiding place of individuals who for compensation are lodged by an institution and in which no provision is made for cooking in any individual room or suite. While areas such as lavatories, studies, recreation and sitting rooms, etc. may be shared by inhabitants, a maximum of two (2) persons shall cohabit any sleeping unit/bedroom.

DRIVE-IN RESTAURANT:
A commercial establishment where food or beverage is sold for consumption on the premises but not necessarily within a building.

DRIVEWAY:
The vehicular method of ingress and egress to a land use.

DWELLING, APARTMENT:
A dwelling unit for rent or lease within multi-family or group buildings providing separate, independent living and sanitary facilities for one (1) family, including provisions for cooking and sleeping. An apartment dwelling may include an efficiency unit where no specific bedroom is provided or a unit containing one (1) or more bedrooms.

DWELLING, GROUP:
A group of two (2) or more single family, two-family, or multi-family dwelling units occupying a lot in one (1) ownership.

DWELLING, MULTI-FAMILY:
A building, including apartment houses, designed for or occupied exclusively by three (3) or more families living independently of each other and doing their own cooking, with one or more families living wholly or partly over the other.

DWELLING, SINGLE FAMILY:
A detached or attached building designed for or occupied exclusively by one (1) family, but shall not be construed to include single unit mobile homes.

DWELLING, TWO-FAMILY:
A detached or attached, residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families, with one (1) family living wholly or partly over the other.

DWELLING UNIT:
One (1) or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on weekly, monthly or
longer basis and physically separated from any other room or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities for one (1) family.

FAMILY:
One (1) or more persons occupying a dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over three (3) persons, but provided further that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

GARAGE, PRIVATE:
A building or space used as an accessory to the principal building which provides for the storage of motor vehicles of the families residing upon the premises and in which no occupation, business, or service for profit is carried on.

GARAGE, PUBLIC:
Any garage other than a private garage, which is used for storage, repair, rental, servicing, or supplying of gasoline or oil to motor vehicles.

*GARDEN APARTMENTS: Multi-family apartment buildings located on a plot of land under single ownership. Garden apartment buildings shall contain at least three (3) but not more than sixteen (16) dwelling units in a single structure, with said units generally occupies as rental housing. The garden apartments share a common yard area which is the sum of the required lot areas of all dwelling units within the complex, share common off-street parking and frequently share a common outside access.

GASOLINE SERVICE STATION:
A structure, building or area of land or portion thereof that is used primarily for the sale of gasoline or other motor fuel which may or may not include facilities for lubricating, washing, selling of accessories, and otherwise servicing motor vehicles, including minor repairs, but not including body or paint shops. Any business or industry dispensing gasoline solely for its own use and vehicles will not be deemed to be a gasoline service station.

GRADE, FINISHED:
The completed surface of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

HEIGHT OF BUILDING:
The vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, towers, elevator pent houses, tanks, and similar projections.

HOME OCCUPATIONS:
Any lawful, gainful service oriented occupation or profession operated by a member of the immediate family residing on the premises, and where the occupation or profession is conducted wholly within the dwelling. The conducting of a clinic, hospital, tea room, tourist home, animal hospital, kennel, automotive services or any similar use shall not be deemed to be a home occupation. (See Supplementary District Regulations for further requirements).

HOSPITAL:
A place for the diagnosis, treatment, or other care of humans and having facilities for inpatient care including such establishments as a sanitariums, sanitoriums, and preventoriums.

*Amended 11-11-80
HOTEL OR LODGING HOUSE:
A building used as the more or less temporary abiding place of three (3) or more individuals who are, for compensation, lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

IMPROVEMENT:
Any type of structure, excavation, or paved section, excluding driveway or curb.

JUNK YARD:
A lot, land or structure, or part thereof used primarily for the collection, storage, and sale of wastepaper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition for the sale of parts thereof.

LAUNDROMAT:
A business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

LOADING SPACE:
An off-street space not less than twelve (12) feet wide and fifty-five (55) feet long and having a minimum clear height of fifteen (15) feet, exclusive of access area, for the parking of one (1) vehicle while loading or unloading merchandise or materials.

LOT:
A single tract or parcel of land, which may legally be described as such, held in single or joint ownership, which is occupied or capable of being occupied by one (1) principal building or principal use together with such accessory buildings, structures, and such open spaces as are arranged and permitted by this Ordinance.

LOT, CORNER:
A lot at the point of intersection of and abutting on two (2) or more intersecting streets, and which has an interior angle of less than one hundred and thirty-five (135) degrees at the intersection of the two (2) street lines.

LOT, INTERIOR:
A lot other than a corner lot, the sides of which do not abut a street.

LOT, THROUGH:
An interior lot having frontage on two (2) parallel or approximately parallel streets.

LOT AREA:
An area of land which is determined by the limits of the property line bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

LOT COVERAGE:
The percent of the lot area covered by the total building area of all structure located on the property.

LOT DEPTH:
A mean horizontal distance between the front and rear lot lines measured in the general direction of its side lot lines.
LOT LINE:
Any line dividing one (1) lot from another lot, street or parcel.

LOT WIDTH:
The horizontal distance between the side lot lines. Required lot width shall be measured at the required setback line; however, the mean lot width shall not be less than the required lot width.

MOBILE HOME:
A transportable, single unit dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operation, and constructed so that it may be used without a permanent foundation.

MOBILE HOME COURT OR PARK:
Any site, lot, or tract of land upon which two (2) or more authorized mobile homes are parked permanently or temporarily, either free of charge or for revenue purposes, and shall include any appurtenant facilities used or designed as part of the equipment of such mobile home court or park.

MODULAR HOME:
A sectional, single family dwelling intended for permanent occupancy, contained in two (2) or more units designed to be permanently joined into one (1) integral unit, which arrives at a site complete and ready for occupancy except for assembly operations and construction of the necessary permanent foundation.

MOTEL:
A building or group of buildings, whether detached or in connected units, used as individual sleeping, or dwelling units, designated with separate entrances and designed for occupancy primarily for transient automobile travelers, and provided with accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms, but shall not be construed to include mobile or immobile trailers or homes.

MUNICIPALITY:
Shall mean the Borough of Myerstown, Lebanon County, Pennsylvania.

NONCONFORMING BUILDING OR STRUCTURE:
A building/structure or part thereof, which at the time of the passage of this Ordinance or any subsequent amendments thereto, does not comply with the provisions of this Ordinance or such amendments thereto with regards to restrictions on area, lot coverage, height, yard requirements, location of structures on the lot, or other similar requirements.

NONCONFORMING LOT:
A lot of record existing at the date of the passage of this Ordinance or any amendments thereto, which does not at this time have the minimum lot width or contain the minimum lot area for the zoning district in which it is located.

NONCONFORMING USE:
A use, whether land, building, or structure, which does not comply with the applicable use provisions of this Ordinance, or subsequent amendments thereto,
where such use was lawfully in existence at the time of the enactment of this
Ordinance or amendments thereto.

**NURSING OR CONVALESCENT HOME:**
A building with rooms for sleeping where persons are housed or lodged and furnished
with meals and nursing care for hire.

**OFFICE BUILDING:**
A building designed for or used as the offices of professional, commercial,
industrial, religious, public or semi-public organizations.

**OPEN AREA:**
The percent of the total lot area required to remain undeveloped on the lot.

**OPEN SPACE:**
The unoccupied space open to the sky on the same lot with the building.

**OUTDOOR STORAGE AREA:**
An area which involves the storage of parts, supplies, fuel, gases, or other goods
on or above the ground for a period exceeding thirty (30) days provided that in
the normal course of business, the articles stored are not in an operating condi-
tion and offered for sale as they presently exist.

**PARKING LOT:**
An off-street surfaced area designed solely for the parking of motor vehicles,
including driveways, passageways, and maneuvering space appurtenant thereto.

**PARKING SPACE:**
The space within a building or on a lot or parking lot, for the parking or storage
of one (1) automobile. The minimum size of said space shall be two hundred (200)
square feet or dimensions of ten (10) feet by twenty (20) feet, exclusive of pass-
age ways and driveways and not an integral portion of the street.

**PAVED AREA:**
The percent of the total lot area which may be covered by an impervious surface.

**PERMIT:**
Building and Zoning Permit issued by Zoning Administrator.

**PREMISES:**
Any lot or tract of land and any building or buildings constructed thereon.

**PRIVATE USE:**
Any use limited to members of an organization or to persons specifically invited,
where no advertisement or inducement has been made to the general public.

**PRIVATE ROAD:**
A legally established right-of-way, other than a public street, which provides the
primary vehicular access to a lot.

**PUBLIC USE:**
Any use in which the general public is involved.
RENTAL:  
A procedure by which services and/or real or personal property are temporarily transferred to another person for a specific time period in exchange for something of value.

SANITARIUM, SANATORIUM:  
A private hospital whether or not such facility is operated for profit.

SCREEN PLANTING:  
A vegetative material of sufficient height and density to screen the view, from adjoining districts, of the structures and uses on the premises upon which the screen planting is located.

SETBACK:  
The horizontal distance from a lot line to the part of the building nearest to such lot line.

SHOPPING CENTER:  
A group of stores, six (6) or more in number planned and designed as an integrated unit with off-street parking provided on the property as an integral part of the unit. It shall also mean a single store or a group of stores less than six (6) in number where the total gross floor area of the store or stores exceeds 40,000 square feet.

SIGN:  
The word "sign" includes writing (including letters, words or numerals); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); or any other device of similar character which (1) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure; (2) used to announce direct attention to, or advertise, and (3) is visible from the outside of a building, but not including any flag, badge, or insignia of any public, quasi-public, civic, charitable or religious group.

FREE STANDING SIGN:  
An independently supported sign which is not attached to any building or structure.

WALL SIGN:  
A sign erected or displayed on or parallel to the surface of a building.

PROJECTING SIGN:  
A sign erected or displayed which is attached to the wall of a building and projects horizontally from the said wall.

ROOF SIGN:  
A sign erected or displayed on a roof top; does not exceed the maximum.

SIGN, ADVERTISING:  
Any sign which is owned or operated by any person, firm or corporation engaged in the business of outdoor advertising for direct profit gained from the rental of

*Amended 11-11-80
such signs or any sign advertising a commodity not sold or produced on the premises. This shall include "billboards" and off-premises signs indicating the direction to a particular place.

SIGN AREA:
The area defined by the frame or edge of a sign. Where there is no frame or edge to the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines the said sign.

SITE PLAN:
A plan of a lot or subdivision on which is shown topography; location of all buildings, structures, roads, rights-of-way, boundaries; all essential dimensions and bearings; and any other information deemed necessary by the borough in unusual or special cases.

SPECIAL EXCEPTION:
A use specified in district regulations which is permitted only if the Zoning Hearing Board grants approval for issuance of a permit pursuant to the provisions of this Ordinance and Act 247, Pennsylvania Municipalities Planning Code, and amendments thereto.

STORY:
A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished ceiling or roof above it. A "split level" story shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building which is more than two (2) feet below the top plate shall be counted as a story; and, if less than two (2) feet below the top plate, shall be counted as a half-story.

STREET LINE:
The line determining the limit of the street or public right-of-way, either existing or contemplated. Also referred to as the street lot line or road right-of-way line. Where a definite right-of-way width has not been established, the street line shall be determined as a line twenty-five (25) feet from the centerline of the existing street.

STREET:
A public thoroughfare, right-of-way or road (or private road or right-of-way) twenty (20) feet in width or greater which affords primary vehicular access to abutting properties.

STRUCTURE:
Any man-made object having an ascertainable stationary location on or in land or water or attached to something having a fixed location on or in land or water.

SUBDIVISION:
The division or redivision of a lot, or parcel of land by any means into two (2) or more lots, parcels, or other division of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.
**TOWN HOUSE:**
A single family dwelling located on an independent lot and constructed as a part of a series of three (3) or more attached, single family dwellings with one (1) dwelling unit from ground to roof. Said units are generally owner occupied and provide the residents with individual yards and off-street parking. Common areas and facilities, including parking areas, may be designed for joint utilization by all residents of the town house development.

**TRAVEL TRAILER:**
A vehicular portable structure built on a chassis (motorized home, converted bus, tent trailer, tent or similar device) designed to be used as a temporary dwelling for travel and recreational purposes.

**USE:**
The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

**VARIANCE:**
A modification of the regulations of this Ordinance granted by the Zoning Hearing Board to the applicant on grounds of practical difficulties or an unnecessary hardship, not self-imposed pursuant to the provisions of this Ordinance and Act 247, Pennsylvania Municipalities Planning Code, and its amendments.

**YARD:**
A required open space, other than a court, unoccupied by a structure, however, fences, walls, posts, trees, lawn furniture, and other customary yard accessories are permitted in any yard subject to height limitations and requirements limiting obstructions of visibility.

**YARD, FRONT:**
An unoccupied space, open to the sky, provided between the front property line (road right-of-way line) and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

**YARD, REAR:**
An unoccupied space, open to the sky, between the rear property line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

**YARD, SIDE:**
An unoccupied space, open to the sky, between the side property line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending the full depth of the lot.

**ZONING OFFICER (ZONING ADMINISTRATIVE OFFICIAL)**
The agent(s) or officials(s) designated by the Borough Council to enforce the Official Zoning Ordinance of the Borough.

*Amended 11-11-80*
PART 2
ESTABLISHMENT OF DISTRICTS: PROVISIONS FOR OFFICIAL ZONING MAP

SECTION 2.01 OFFICIAL ZONING MAP  The Borough is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the President of the Borough Council, attested by the Secretary and bearing the seal of the Borough under the following words: "This is to certify that this is the Official Zoning Map referred to in Part Two, Section 2.01 of Ordinance Number 605 of the Borough of Myerstown, Lebanon County, Pennsylvania, together with the date of the adoption of this Ordinance".

If, in accordance with the provisions of this Ordinance and ARTICLE VI, Pennsylvania Municipalities Planning Code, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Borough Council with an entry on the Official Zoning Map as follows: "On (date), by official action of the Borough Council, the following (changes) were made in the Official Zoning Map: (brief description of nature of changes)." Said entry shall be signed by the President of the Borough Council and attested by the Borough Secretary. No amendment to this Ordinance, which involves matter portrayed on the Official Zoning Map, shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Part 30.

Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map which shall be located in the Office of the Borough Council shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Borough.

SECTION 2.02 REPLACEMENT OF THE OFFICIAL ZONING MAP  In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature of the number of changes and additions, the Borough Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the President of the Borough Council, attested by the Borough Secretary and bearing the seal of the Borough under the following words: "This is to certify that this is the Official Zoning Map, adopted March 13, 1979, as part of Ordinance No. 605 of the Borough of Myerstown, Lebanon County, Pennsylvania".

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof, remaining shall be preserved together with all available records pertaining to its adoption or amendment.
PART 3
RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be constructed to follow such center lines;

B. Boundaries indicated as approximately following platted lot lines shall be constructed as following such lot lines;

C. Boundaries indicated as approximately following Borough limits shall be constructed as following such Borough lines;

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

E. Boundaries indicated as parallel to, or extensions of, features indicated in subsection 1 through 4 above shall be so constructed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 5 above, the Zoning Hearing Board shall interpret the district boundaries.

PART 4
APPLICATION OF DISTRICT REGULATIONS

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

SECTION 4.01 No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

SECTION 4.02 No building or other structure shall hereafter be erected or altered:

A. to exceed the height or bulk;

B. to accommodate or house a greater number of families;

C. to occupy a greater percentage of lot area;

D. to have a narrower or smaller rear yard, front yard, side yard, or other open space than herein required; or in any other manner contrary to the provisions of this Ordinance.

SECTION 4.03 No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
SECTION 4.04 No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance and shall be provided with public water and sewer facilities.

SECTION 4.05 When a specific use is neither permitted nor prohibited in the schedule of district regulations, the Zoning Hearing Board shall make a determination as to the similarity or compatibility of the use in question to the permitted uses in the district basing the decision on the overall intent stipulated for the district.

SECTION 4.06 All territory which may hereafter be annexed to the Borough shall be considered to be in the R-1 Residential Low Density District until otherwise classified.

PART 5
USE DISTRICTS

SECTION 5.01 For the purpose of regulating and restricting the location of trades, industries, multiple family houses, single family houses, and other uses of property, the number of square feet of lot area per family house, the width of lots, the location and size of yards, and the size and height of buildings, the Borough is divided into ten (10) classes of use districts termed respectively:

CLASS R-1 LOW DENSITY RESIDENTIAL DISTRICTS
CLASS R-2 MEDIUM DENSITY RESIDENTIAL DISTRICTS
CLASS R-3 HIGH DENSITY RESIDENTIAL DISTRICTS
CLASS R-4 SPECIAL PURPOSE RESIDENTIAL DISTRICTS
CLASS O1 OFFICE AND INSTITUTIONAL DISTRICTS
CLASS C-1 CENTRAL BUSINESS DISTRICTS
CLASS C-2 HIGHWAY-ORIENTED COMMERCIAL DISTRICTS
CLASS C-3 NEIGHBORHOOD COMMERCIAL DISTRICTS
CLASS I-1 INDUSTRIAL DISTRICTS
CLASS F FLOOD PLAIN DISTRICTS
FW FLOODWAY
FF FLOOD FRINGE

PART 6
R-1, LOW DENSITY RESIDENTIAL DISTRICTS

SECTION 6.01 INTENT The regulations for these districts are designed to accommodate and encourage harmonious and compatible residential development consistent with the prevailing characteristics of the Borough. For this purpose, development is restricted to conventional, low density, single family dwellings and related land uses.
SECTION 6.02 PERMITTED USE

A. Single family dwellings, not including single unit mobile homes.

B. Churches and similar places of worship.

C. Public and private nurseries, elementary, middle, junior and senior high schools and institutions of higher education which do not provide on-campus residence, provided that the following conditions are met:

1. Minimum lot area of ten (10) acres shall be maintained.

2. Off-street parking shall not be permitted in the required front yard.

D. Customary accessory uses and buildings which are clearly incidental to any of the above permitted uses, including:

1. Home occupations as defined in Section 18.17 of this Ordinance.

2. Accessory uses as provided for in Part 18 of this Ordinance.

3. Signs, as provided for in Part 20 of this Ordinance.

E. The following Special Exception uses, upon approval by the Zoning Hearing Board, as provided in Part 23 of this Ordinance:

1. Planned unit development as regulated in Part 17 of this Ordinance.

SECTION 6.03 LOT AREA, BUILDING HEIGHT, AND YARD REQUIREMENTS

A lot width, lot area, and yard depths of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in this district.

<table>
<thead>
<tr>
<th>DISTRICT REQUIREMENTS</th>
<th>LOT REQUIREMENTS</th>
<th>YARD REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>USE</td>
<td>MIN. LOT AREA (SQ. FT.)</td>
<td>MIN. LOT WIDTH</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NON-RESIDENTIAL</td>
<td>3 acres</td>
<td>250'</td>
</tr>
<tr>
<td>BUILDING</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SINGLE FAMILY</td>
<td>10,000'</td>
<td>80'</td>
</tr>
<tr>
<td>DETACHED</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height unless authorized as a Special Exception.

COVERAGE REQUIREMENTS SHALL BE AS FOLLOWS:

<table>
<thead>
<tr>
<th>USE</th>
<th>MAX. LOT COVERAGE</th>
<th>MAX. PAVED AREA</th>
<th>MIN. OPEN AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>NON-RESIDENTIAL BUILDING</td>
<td>30%</td>
<td>45%</td>
<td>35%</td>
</tr>
<tr>
<td>RESIDENTIAL BUILDING:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SINGLE FAMILY DETACHED</td>
<td>40%</td>
<td>25%</td>
<td>60%</td>
</tr>
</tbody>
</table>
SECTION 6.04 MINIMUM OFF-STREET PARKING REQUIREMENTS  Off-street parking shall be provided in accordance with Part 19 of this Ordinance.

PART 7
R-2, MEDIUM DENSITY RESIDENTIAL DISTRICTS

SECTION 7.01 INTENT  The regulations of the Medium Density Residential Districts are designed to provide a wider range of medium density housing types where municipal services and commercial facilities are most readily available.

SECTION 7.02 PERMITTED USES

A. Single family detached dwellings, not including mobile home units.

B. Single family semi-detached dwellings.

C. Churches and similar places of worship.

D. Public and private nurseries, elementary, middle, junior and senior high schools and institutions of higher education which do not provide on-campus residence, provided that the following conditions are met:
   1. Minimum lot area of ten (10) acres shall be maintained.
   2. Off-street parking shall not be permitted in the required front yard.

E. Municipal buildings and structures, including associated playgrounds, and necessary public utility structures and buildings.

F. Hospitals, clinics, convalescent homes, and sanitariums provided that the following conditions are met:
   1. Minimum front yard of one hundred (100) feet shall be maintained from the road right-of-way. No parking facilities shall be permitted in the required front yard.

G. Customary accessory uses and buildings which are clearly incidental to any of the above permitted uses, including:
   1. Home occupations as defined in Section 18.17 of this Ordinance.
   2. Accessory uses as provided for in Part 18 of this Ordinance.
   3. Signs as provided in Part 20 of this Ordinance.

H. The following Special Exception uses, upon approval by the Zoning Hearing Board as provided for in Part 23 of this Ordinance:
   1. Planned unit development as regulated in Part 17 of this Ordinance.
   2. Burial grounds provided that the following conditions be met:
      a. Minimum lot area shall be ten (10) acres.
      b. Minimum yard area for structures shall be thirty-five (35) feet from any lot line.
c. Maximum lot coverage shall be ten (10) percent.
d. Maximum paved area shall be ten (10) percent.
e. Minimum open area shall be eighty-five (85) percent.
f. A permanent fence at least four (4) feet in height shall be erected along any lot line adjacent to a residentially used property.
g. The entire area shall be landscaped according to an overall plan reviewed by the Planning Commission and submitted to the Zoning Hearing Board for approval.

SECTION 7.03 LOT AREA, BUILDING HEIGHT, AND YARD REQUIREMENTS

A lot width, lot area, and yard depths of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in this district.

### DISTRICT REQUIREMENTS

<table>
<thead>
<tr>
<th>USE</th>
<th>LOT REQUIREMENTS</th>
<th>YARD REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MIN. LOT Width</td>
<td>PER DWELLING UNIT</td>
</tr>
<tr>
<td>USE</td>
<td>MIN. LOT Width</td>
<td></td>
</tr>
<tr>
<td>NON-RESIDENTIAL BUILDING</td>
<td>3 Acres</td>
<td>250'</td>
</tr>
<tr>
<td>RESIDENTIAL:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Detached</td>
<td>7,500 sq. ft.</td>
<td>50'</td>
</tr>
<tr>
<td>Single Family Semi-Detached</td>
<td>6,000 sq. ft.</td>
<td>50'</td>
</tr>
<tr>
<td>Two-Family Detached</td>
<td>4,000 sq. ft.</td>
<td>50'</td>
</tr>
</tbody>
</table>

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height unless authorized as a Special Exception.

COVERAGE REQUIREMENTS SHALL BE AS FOLLOWS:

<table>
<thead>
<tr>
<th>USE</th>
<th>MAX. LOT COVERAGE</th>
<th>MAX. PAVED AREA</th>
<th>MIN. OPEN AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>NON-RESIDENTIAL BUILDINGS</td>
<td>30%</td>
<td>45%</td>
<td>35%</td>
</tr>
<tr>
<td>RESIDENTIAL BUILDINGS:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Semi-Detached</td>
<td>50%</td>
<td>30%</td>
<td>40%</td>
</tr>
<tr>
<td>Single Family Detached</td>
<td>50%</td>
<td>30%</td>
<td>40%</td>
</tr>
<tr>
<td>Two-Family Detached</td>
<td>50%</td>
<td>30%</td>
<td>40%</td>
</tr>
</tbody>
</table>
SECTION 7.04 MINIMUM OFF-STREET PARKING REQUIREMENTS: Off-street parking shall be provided in accordance with Part 19 of this Ordinance.

*PART 8

R-3, High Density Residential Districts

SECTION 8.01 INTENT The regulations for the R-3 District are designed to accommodate single family, two-family, town house and garden apartment structures for those persons seeking facilities of this nature. Additionally, these districts serve as zones of transition between lower density residential development and commercial or industrial uses, provide housing with many of the amenities of single family, low density housing, and more fully and efficiently utilize available public utilities and services.

SECTION 8.02 PERMITTED USES

A. Single family detached and semi-detached dwellings.
B. Two-family detached and semi-detached.
C. Churches and similar places of worship.
D. Town houses, provided that the following requirements are met:

1. Minimum lot area of 2,000 square feet per dwelling unit. If approval is granted by Borough Council to establish a street right-of-way wider than fifty (50) feet, that portion of the right-of-way in excess of fifty (50) feet may be used for parking and may be computed as a part of the minimum lot area for each dwelling unit.

2. Maximum development density shall not exceed 15 dwelling units per gross acre.

3. Minimum lot width of eighteen (18) feet.

4. A minimum front and rear yard of 20 feet each, as measured from the property line or any paved parking area, shall be provided for each town house unit.

5. Side yard minimums of 10 feet shall be provided from the unattached sides of buildings; however, a minimum side yard of 20 feet shall be provided from any paved parking areas. A minimum distance of 20 feet shall also separate each group of town houses.

6. No group of town houses shall consist of more than eight (8) attached units, with no more than three (3) continuous dwellings with the same front setback, each variation of the setback being at least (4) feet. Developers are encouraged to use variety in design and construction to enhance appearance.

7. No detached accessory buildings or structures shall be permitted on individual lots. Accessory buildings and structures for common use by the entire development shall be permitted as per Part 18 of this Ordinance.

8. Town house development shall be in compliance with Section 8.05 of this Ordinance.

*Part 8 Amended 11-11-80 -250-
9. The site shall be served by public water and sewer facilities.

10. Off-street parking, as required by Part 19 of this Ordinance, shall be located within 150 feet of the dwelling unit to be served.

11. Town house development requires the submission of a subdivision plan and compliance with the Subdivision and Land Development Ordinance of the Borough of Myerstown.

E. Garden Apartments, provided that the following conditions are met:

1. Maximum development density shall not exceed twenty (20) dwelling units per gross acre.

2. A minimum site size of 24,000 square feet shall be provided for garden apartment development.

3. Garden apartment buildings shall contain at least three (3) but not more than sixteen (16) dwelling units in a single structure.

4. A minimum setback of twenty-five (25) feet shall be provided from any road right-of-way, driveway, or paved parking area. Additionally, the building setback line shall be a minimum distance of twenty-five (25) feet from any front, side, or rear property line.

5. A minimum isolation distance of fifty (50) feet shall be provided between garden apartment buildings.

6. The site shall be served by public water and sewer facilities.

7. If provided, balconies shall not extend more than eight (8) feet from the face of any principal building and the minimum floor area of any balcony shall be 72 square feet.

8. If patios are provided at ground level, they shall be designed for visual privacy and shall be a minimum of 150 square feet.

9. Garden apartment development shall be in compliance with Section 8.05 of this Ordinance.

10. Off-street parking, as required by Part 19 of this Ordinance, shall be located within 150 feet of the dwelling unit to be served. Furthermore, parking facilities and driveways shall be located no less than twenty-five (25) feet from any road right-of-way and ten (10) feet from all other property lines.

11. Garden apartment development requires the submission of a subdivision plan and compliance with the Subdivision and Land Development Ordinance of the Borough of Myerstown.

F. Public and private nurseries, elementary, middle, junior, and senior high schools, and institutions of higher education which do not provide on-campus residence, provided that the following conditions are met:

1. Minimum lot area of ten (10) acres shall be maintained.

2. Off-street parking shall not be permitted in the required front yard.
G. Customary accessory uses and buildings which are clearly incidental to any of the above permitted uses:

1. Home occupations as defined in Section 18.17 of this Ordinance.
2. Accessory uses as provided for in Part 18 of this Ordinance.
3. Signs as provided in Part 20 of this Ordinance.

H. The following Special Exception use, upon approval by the Zoning Hearing Board as provided for in Part 23 of this Ordinance:

1. Planned unit development as regulated in Part 17 of this Ordinance.

SECTION 8.03 LOT AREA, BUILDING HEIGHT, AND YARD REQUIREMENTS

Unless otherwise specified in Part 8 of this Ordinance, a lot width, lot area and yard depths of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in this district.

**DISTRICT REQUIREMENTS**

<table>
<thead>
<tr>
<th>USE</th>
<th>LOT REQUIREMENTS</th>
<th>YARD REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LOT AREA</td>
<td>MIN LOT WIDTH</td>
</tr>
<tr>
<td></td>
<td>PER DWELLING UNIT</td>
<td></td>
</tr>
<tr>
<td>NON-RESIDENTIAL BUILDING</td>
<td>3 acres</td>
<td>250'</td>
</tr>
<tr>
<td>RESIDENTIAL:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Detached</td>
<td>6000 sq. ft.</td>
<td>50'</td>
</tr>
<tr>
<td>Single Family Semi-Detached</td>
<td>6000 sq. ft.</td>
<td>50'</td>
</tr>
<tr>
<td>Two-family Detached</td>
<td>4000 sq. ft.</td>
<td>50'</td>
</tr>
<tr>
<td>Two-family Semi-Detached</td>
<td>3000 sq. ft.</td>
<td>20'</td>
</tr>
</tbody>
</table>

*Yard requirements apply to unattached sides of buildings.

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height unless authorized as a Special Exception.
LOT COVERAGE REQUIREMENTS SHALL BE AS FOLLOWS:

<table>
<thead>
<tr>
<th>USE</th>
<th>MAX. LOT COVERAGE</th>
<th>MAX. PAVED AREA</th>
<th>MIN. OPEN AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>NON-RESIDENTIAL</td>
<td>30%</td>
<td>45%</td>
<td>35%</td>
</tr>
<tr>
<td>RESIDENTIAL BUILDING:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Semi-Detached and Detached</td>
<td>40%</td>
<td>25%</td>
<td>50%</td>
</tr>
<tr>
<td>Two-family Detached</td>
<td>40%</td>
<td>25%</td>
<td>50%</td>
</tr>
<tr>
<td>Two-family Semi-Detached</td>
<td>40%</td>
<td>25%</td>
<td>50%</td>
</tr>
<tr>
<td>Garden Apartments</td>
<td>40%</td>
<td>35%</td>
<td>40%</td>
</tr>
<tr>
<td>Town houses</td>
<td>40%</td>
<td>35%</td>
<td>40%</td>
</tr>
</tbody>
</table>

SECTION 8.04 MINIMUM OFF-STREET PARKING REQUIREMENTS

Off-street parking shall be provided in accordance with Part 19 of this Ordinance.

SECTION 8.05 DESIGN, LANDSCAPING, AND OPEN AREAS

A. The developer should vary architectural treatments within apartment projects, individual apartments, and between dwelling units in a town house development. Variations may include those of exterior elevation, building setbacks, provision of balconies, architectural details, pitch of roof, exterior materials, or use of color.

B. Variety and flexibility in design layout and arrangement of building, parking areas, services, recreation areas, common open space, and planting that fully considers the particular physical characteristics of the site and natural amenities is highly desired.

C. Screen plantings shall be provided where multiple dwelling unit, land developments abut any non-residential use. The planting shall consist of coniferous trees and shrubs of such a height and planted in such a manner as to visually separate the areas.

D. All utility lines within a town house or garden apartment development shall be placed underground.

E. All open space, green areas, patios, courts, and buffer yards shall be landscaped and maintained to insure the safety, privacy, and comfort of town house and garden apartment residents.

F. Exterior storage areas for trash and rubbish shall be well screened on three (3) sides and contained in covered, vermin-proof containers.
PART 9
R-4 SPECIAL PURPOSE RESIDENTIAL DISTRICT

SECTION 9.01 INTENT The regulations of this district are designed to provide reasonable standards for the development of mobile home parks within a residential area since these uses are recognized as a special form of housing, requiring particular and special standards.

SECTION 9.02 PERMITTED USES

A. All uses permitted in the R-3, High Density Residential District subject to the regulations of the R-3 Residential District.

B. Mobile home parks subject to the following:

1. The minimum area of a mobile home park shall be ten (10) acres.

2. Maximum density in a mobile home park shall be five (5) units per acre, with a minimum berth per unit of 5,000 square feet.

3. Each mobile home shall have a minimum front yard of thirty (30) feet, rear yard of twenty-five (25) feet, and two (2) side yards of ten (10) feet each. In no case shall the distance between any two (2) mobile homes, including additions thereto, be less than twenty-five (25) feet.

4. All roads in a mobile home park shall be paved with an all-weather surface approved by the Borough Council and be at least thirty-four (34) feet in width.

5. Provided on the individual mobile home berth, each mobile home in a mobile home park must have paved parking spaces sufficient in size for at least two (2) automobiles.

6. Each parking space in a mobile home park shall abut on a park driveway, with access to such driveway. Access to all parking spaces shall be from the driveways and not from public streets or highways.

7. All mobile home parks shall be provided with a buffer yard at least fifty (50) feet in width around the park perimeter. Such yards shall be well landscaped and maintained and planted with shrubbery approved by the Borough Planning Commission.

8. All mobile home parks shall be served by public water and public sanitary sewer facilities.

9. Recreation and open space areas shall be provided at the rate of one (1) acre of recreation space for every twenty (20) mobile home spaces.

10. Application for a permit to establish a mobile home park shall be accompanied by written approval by the Borough Planning Commission prior to issuance of a Zoning Permit by the Zoning Officer.

11. No more than one (1) access road shall be constructed to serve as an entrance/exit to any single street located outside of the mobile home site.
12. No more than five (5) adjacent berths shall be located so that they are parallel to each other. Each berth shall consist of a permanent mobile home stand consisting of a footer to be constructed below the prevailing frost line and in no case less than eighteen (18) inches below ground level.

13. The mobile home stand shall be provided with anchors and tie-downs such as cast-in place concrete "dead man", imbedded eyelets or screw augers and shall be a minimum of:

a. Six (6) tie-downs per mobile home and no less than three (3) tie-downs for each long side of the mobile home.

b. Tie-downs shall be able to withstand a minimum tensile strength of two thousand eight hundred (2,800) pounds each.

c. Customary accessory uses and buildings which are clearly incidental to any of the above permitted uses:

   (1) Accessory uses as provided for in Part 18 of this Ordinance.

   (2) Signs as provided for in Part 20 of this Ordinance.

**SECTION 9.03 LOT AREA, BUILDING HEIGHT, AND YARD REQUIREMENTS** A lot area, lot width, and yard depths of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in this district.

<table>
<thead>
<tr>
<th>DISTRICT REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LOT REQUIREMENTS</strong></td>
</tr>
<tr>
<td><strong>MIN. LOT AREA</strong></td>
</tr>
<tr>
<td><strong>USE</strong></td>
</tr>
<tr>
<td><strong>LOT REQUIREMENTS</strong></td>
</tr>
<tr>
<td>MOBILE HOME PARKS</td>
</tr>
<tr>
<td>NON-RESIDENTIAL BUILDING</td>
</tr>
<tr>
<td>RESIDENTIAL BUILDING</td>
</tr>
</tbody>
</table>

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height unless authorized as a Special Exception.
COVERAGE REQUIREMENTS SHALL BE AS FOLLOWS:

<table>
<thead>
<tr>
<th>USE</th>
<th>MAX. LOT COVERAGE</th>
<th>MAX. PAVED AREA</th>
<th>MIN. OPEN AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOBILE HOME PARK</td>
<td></td>
<td>25%</td>
<td></td>
</tr>
</tbody>
</table>

NON-RESIDENTIAL AND RESIDENTIAL BUILDINGS See R-3 Residential District Coverage Requirements

SECTION 9.04 MINIMUM OFF-STREET PARKING REQUIREMENTS Off-street parking shall be provided in accordance with Part 19 of this Ordinance.

PART 10

OI - OFFICE AND INSTITUTIONAL DISTRICTS

SECTION 10.01 The regulations of this district were designed primarily to facilitate office and institutional uses which have generally been found to be compatible with surrounding residential and commercial uses. This zone provides for a wide variety of uses which are normally indigenous to urban areas and co-exist harmoniously, but are not necessarily suitable in any of the other districts of the Borough.

SECTION 10.02 PERMITTED USES

A. Business and professional offices.
B. Churches and similar places of worship.
C. Municipal buildings, civic centers, libraries, museums and similar uses.
D. Hospitals, infirmaries, clinics, (medical, dental, and veterinary clinics, with associated laboratories) and pharmacies.
E. Banks and financial establishments.
F. Public and private schools, including institutions of higher education, provided the following conditions are met:
   1. Minimum lot area of ten (10) acres shall be maintained.
   2. Off-street parking shall not be permitted in the required yards.
   3. Front, side, and rear yards each of fifty (50) feet shall be maintained.
G. Administrative buildings and uses incidental to any of the above permitted areas.
H. Single family residential dwellings.
*I. Housing specifically designed, equipped and staffed to care for the aged, retired and infirm.
J. Customary accessory buildings and uses incidental to any of the above permitted uses, including:
1. Signs as provided for in Part 20 of this Ordinance.

2. Accessory uses as provided for in Part 18 of this Ordinance.

K. The following Special Exception uses upon approval by the Zoning Hearing Board, as provided for in Part 23 of this Ordinance:

*1. Housing specifically designed, equipped, and staffed to care for the mentally retarded, including group foster homes, provided that the following standards are met:

a. Department of Labor and Industry approval of facility.

b. Applicable local agency approval of facility.

c. Submission of detailed architectural floor plans showing proposed layout of facilities.

d. Appropriate site improvements (i.e. recreational areas, fencing, etc.).

2. Residential facilities to provide on-campus housing for educational facilities as follows:

a. Department of Labor and Industry approval of plans.

b. Submission of detailed architectural floor plans showing proposed layout of facilities.

c. Appropriate site improvements (i.e. recreational areas, fencing, landscaping, interior circulation plan with parking facilities, etc.).

SECTION 10.03 LOT AREA, BUILDING, AND YARD REQUIREMENTS A lot width, lot area, and yard depths of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in this district.

<table>
<thead>
<tr>
<th>USE</th>
<th>LOT REQUIREMENTS</th>
<th>YARD REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MIN. LOT AREA</td>
<td>MIN. LOT Width</td>
</tr>
<tr>
<td></td>
<td>PER DWELLING UNIT</td>
<td></td>
</tr>
<tr>
<td>NON-RESIDENTIAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BUILDING &amp; SINGLE FAMILY DETACHED</td>
<td>11,000 sq. ft.</td>
<td>80'</td>
</tr>
<tr>
<td>Single family Attached*</td>
<td>4,000 sq. ft.</td>
<td>20'</td>
</tr>
<tr>
<td>Garden Apts.*</td>
<td>4,000 sq. ft.</td>
<td>---</td>
</tr>
<tr>
<td>Two-family Attached*</td>
<td>3,000 sq. ft.</td>
<td>20'</td>
</tr>
</tbody>
</table>

*Amended 5/13/86
No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height unless minimum front, side and rear setbacks are increased one (1) foot each two (2) feet of building height in excess of thirty-five (35) feet. However, in no instance shall the building height exceed six (6) stories or seventy-five (75) feet.

* No group of attached dwellings shall consist of more than six (6) units, with no more than three (3) continuous dwellings with the same front setback, each variation of the setback being at least four (4) feet.

** Yard requirements apply to unattached sides of the building.

LOT COVERAGE REQUIREMENTS SHALL BE AS FOLLOWS:

<table>
<thead>
<tr>
<th>USE</th>
<th>MAX. LOT COVERAGE</th>
<th>MAX. PAVED AREA</th>
<th>MIN. OPEN AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>NON-RESIDENTIAL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BUILDING</td>
<td>45%</td>
<td>50%</td>
<td>25%</td>
</tr>
<tr>
<td>RESIDENTIAL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BUILDING</td>
<td>45%</td>
<td>40%</td>
<td>40%</td>
</tr>
</tbody>
</table>

SECTION 10.04 MINIMUM OFF-STREET PARKING REQUIREMENTS Off-street parking shall be provided in accordance with Part 19 of this Ordinance including the following:

A. Parking shall not be permitted in the required front yard. All yards or portions of yards not used for parking shall be appropriately landscaped and maintained.

PART 11
C-1, CENTRAL BUSINESS DISTRICTS

SECTION 11.01 INTENT These districts are designed to promote and enhance the quality of the downtown as a coherent, centralized, retail shopping and service area. It is restricted to those types of uses which are appropriate in a densely structured and populated area of the borough, and which will offer the consumer goods and services normally found in a downtown setting.

SECTION 11.02 PERMITTED USES

A. Department stores.

B. Specialty stores and shops (i.e. food, clothing, drugs, confectionary, hardware, sporting goods, appliances, flowers, etc.)

C. Personal service shops including barbers, beauty parlors, tailors, shoe repair and dry cleaning.

D. Mortuary and undertaking establishments.

Amended 8/11/98
E. Banks, savings and loan companies, finance companies and travel agencies.

F. Business and professional offices.

G. Community service facilities, including libraries, auditoriums, community recreation centers, utility offices, state stores, etc.

H. Restaurants, cafes, and other places serving food or drink, not including drive-in restaurants.

I. Game rooms, movie houses or other similar recreational establishments, not including drive-in theatres.

J. Commercial or municipal parking facilities.

K. Hotel, residential, and similar lodging uses are permitted above the first story provided that the first story is utilized for one or more of the other permitted uses in this district.

L. Accessory buildings, and uses customarily incidental to the aforementioned uses.

M. Signs as provided for in Part 20 of this Ordinance.

N. The following Special Exception use upon approval by the Zoning Hearing Board, as provided for in Part 23 of this Ordinance:

1. Dance Halls, provided that the following standards and conditions are met:

   a. No music or dancing after 11:00 p.m.

   b. No dancing on Sundays, except in June, July and August.

   c. The music shall not be audible outside the building.

   d. If a parking lot is adjacent to the dance hall, the permit holder (or the permit holder's employee(s) or agent(s)) shall periodically patrol and supervise the parking lot.

   e. A permit shall be issued to the applicant by the Zoning Officer after approval of the Special Exception by the Zoning Hearing Board. This permit shall run for one year at a time and shall be reissued annually by the Zoning Officer upon application, if the above-mentioned standards are being met. In the event of the sale or lease of the dance hall by the applicant, the permit shall automatically expire and the new owner or lessee shall file an application for a Special Exception before the Zoning Hearing Board.

amended 08/09/88, Ord. #697

-257-
SECTION 11.03 PERFORMANCE REQUIRED All permitted uses must be non-objectionable in terms of smoke or dust emission, odors, noise, or glare, and shall not be injurious or have an adverse effect upon adjacent areas. No use shall be conducted in an open area, nor shall waste materials be stored in an open area.

Should the Zoning Officer feel there is any possibility of the above mentioned dangers, the applicant must prove the contrary to the Zoning Hearing Board before a permit is issued.

SECTION 11.04 LOT AREA, BUILDING HEIGHT, AND YARD REQUIREMENTS A lot width, lot area, and yard depths of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in this district.

**DISTRICT REQUIREMENTS**

<table>
<thead>
<tr>
<th>MIN. LOT AREA</th>
<th>MIN. WIDTH</th>
<th>MIN. TWO SIDES</th>
</tr>
</thead>
<tbody>
<tr>
<td>9,000 square feet per construction site or 1,800 square feet per unit of use</td>
<td>100'</td>
<td>none</td>
</tr>
</tbody>
</table>

* Ten (10) foot side yards are required, except where two (2) or more commercial buildings could compatibly abut each other, no side yard is required between them, provided that a written agreement is made between the affected property owners.

** Side and rear yard requirements where abutting residential districts, of which the entire yard shall be planted and maintained with appropriate vegetative land-scaping material.

No building shall exceed thirty-five (35) feet in height unless authorized as a Special Exception. This height may be exceeded by four (4) feet for each one (1) foot by which the building is set back from the street line.

**LOT COVERAGE REQUIREMENTS SHALL BE AS FOLLOWS:**

<table>
<thead>
<tr>
<th>USE</th>
<th>MAX. LOT COVERAGE</th>
<th>MAX. PAVED AREA</th>
<th>MIN. OPEN AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANY PERMITTED USE</td>
<td>75%</td>
<td>86%</td>
<td>25%</td>
</tr>
</tbody>
</table>
SECTION 11.05 MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS

A. Off-street parking facilities are required for hotel, residential and similar lodging uses according to the requirements of Part 19 of this Ordinance. There are no off-street parking requirements for other uses permitted in this district.

SECTION 11.06 LIMITATIONS OF SIGNS Only those signs relating to the uses conducted on the premises of the materials or products made, sold or displayed on the premises shall be permitted and shall be erected only in accordance with Part 20 of this Ordinance.

PART 12
C-2, HIGHWAY-ORIENTED COMMERCIAL DISTRICT

SECTION 12.01 INTENT These districts are designed to accommodate enterprises dependent upon proximity to a major thoroughfare, are associated with automobile shopping, and are not particularly compatible with a retail business.

SECTION 12.02 PERMITTED USES

A. All uses permitted in the C-1, Central Business Districts.

B. Public and private transportation service facilities, passenger stations and terminals.

C. Amusement enterprises - arenas, bowling alleys, dance halls, and other indoor recreational facilities.

D. Clubs and lodges.

E. Hotels and motels.

F. Automobile dealers, repair shops, filling and service stations, body shops, parts centers, supply stores and washes.

G. Printing and publishing establishments.

H. Shops for contractors, plumbing, heating, printing, upholstering, etc.

I. Lumber and fuel distribution yards.
J. Drive-in restaurants and drive-in movie theatres.

K. Shopping centers with retail stores, restaurants, offices and banks.

L. All other uses which, in the opinion of the Zoning Hearing Board are in harmony with the intent of the regulations for this district.

SECTION 12.03 PERFORMANCE REQUIRED All permitted uses must be non-objectional in terms of smoke and dust emissions, odors, noise or glare, and shall not be injurious or have an adverse affect upon adjacent areas. No waste materials shall be stored in open area. No testing, cleaning, and repairing shall be conducted in an open area. All uses shall be in conformance with the performance standards in Part 18 of this Ordinance.

Should the Zoning Officer feel there is any possibility of the above mentioned dangers, the applicant must prove the contrary to the Zoning Hearing Board before a permit is issued.

SECTION 12.04 LOT AREA, BUILDING HEIGHT AND YARD REQUIREMENTS

A lot width, lot area, and lot depths of not less than the dimensions shown in the following table shall be provided for every principal building hereafter erected or altered for any use permitted in this district.
D. Lot coverage requirements shall be as follows:

<table>
<thead>
<tr>
<th>ANY PERMITTED USE</th>
<th>MAX. LOT COVERAGE</th>
<th>MAX. PAVED AREA</th>
<th>MIN. OPEN AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>40%</td>
<td>50%</td>
<td>25%</td>
</tr>
</tbody>
</table>

SECTION 12.05 MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS

A. Off-street parking shall be provided in accordance with Part 19 of this Ordinance.

B. Each business use shall provide off-street loading and unloading space at the side or rear of the building for each four thousand (4,000) square feet of floor area or fraction thereof in each building. Such loading and unloading space or spaces shall not be less than six hundred sixty (660) square feet in area with dimensions of twelve (12) feet by fifty-five (55) feet per space, which shall be located exclusive of any public right-of-way. Each such space shall have a vertical clearance of not less than fifteen (15) feet.

SECTION 12.06 LIMITATIONS OF SIGNS Only those signs referring or relating to uses conducted on the premises or to the materials or products made, sold, or displayed on the premises shall be permitted and further provided that all signs and advertising structures shall be maintained in accordance with Part 20 of this Ordinance.
SECTION 13.01  INTENT  Within any large scale residential neighborhood, there exists a need for certain commercial facilities to fulfill the immediate needs of the persons living therein. These needs are thus provided for by the establishment of Neighborhood Commercial Districts within the Borough, primarily for the residents of the surrounding residential area.

SECTION 13.02  PERMITTED USES

A. Stores for the retailing of food, clothing, drugs, confectionery, hardware, sporting goods, household appliances, flowers, antiques, etc.

B. Personal service shops including shops for barbers, beauticians, tailors, shoe repair, dry cleaning, plumbing supplies, upholstery, laundromats, etc.

C. Banks, savings and loan companies, finance agencies and other business or professional offices.

D. Mortuary and undertaking establishments.

E. Community service facilities, including libraries, auditoriums, community recreation centers, utility offices, state stores, etc.

*F. All other uses which in the opinion of the Zoning Administrative Officials are in harmony with the intent of the regulations for this district. It is hereby declared, as a matter of law, that residential uses are in harmony with the intent for the regulations of this district and that in regard to a building existing at the time of the enactment of Ordinance No. 605, the yard requirements for this district shall be the physical facts of the yard as existed before the enactment of Ordinance No. 605. Further, it is declared, as a matter of law, that it is not the intent of this Ordinance to impose the regulations which pertain to commercial uses on residential uses.

G. The following Special Exception uses upon approval by the Zoning Hearing Board, as provided for in Part 23 of this Ordinance.

1. Automobile service and filling stations subject to the following conditions:
   a. Repair work shall be restricted to that of a minor nature only (i.e. general maintenance and repairs for Pennsylvania State Inspection, not body work or major engine overhauling), and it shall be performed within an enclosed building.
   b. All gasoline pumps shall be located outside of the building on private property and in no case, within thirty-five (35) feet of any property line.
   c. All automobile parts, dismantled and derelict vehicles and similar articles shall be stored only within an enclosed building.
   d. All fuel, oil, or similar substances shall be stored at least thirty-five (35) feet from any street or lot line.
   e. The building itself shall be constructed so as to blend harmoniously with the surrounding residential neighborhoods.

*Amended 11-11-80
f. Any additional appropriate safeguards as may be deemed necessary by the Zoning Hearing Board.

SECTION 13.03 PERFORMANCE REQUIRED All permitted uses must be non-objectionable in terms of smoke or dust emissions, odors, noise or glare, and shall not be injurious or have an adverse effect upon adjacent areas. No waste material shall be stored in open areas. No testing, cleaning, and repairing shall be conducted in an open area. All uses shall be in conformance with the performance standards in Section 18.21 of this Ordinance.

SECTION 13.04 LOT AREA, BUILDING HEIGHT, AND YARD REQUIREMENTS A lot width, lot area, and yard depths of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in this district.

*DISTRICT REQUIREMENTS

<table>
<thead>
<tr>
<th>MIN. LOT AREA</th>
<th>MIN. WIDTH</th>
<th>YARD REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>FRONT</td>
</tr>
<tr>
<td>12,000 sq. ft.</td>
<td>100'</td>
<td>50'</td>
</tr>
</tbody>
</table>

A. Parking areas may be located within the required yards of the C-3 District as follows: no closer than twenty-five (25) feet to front lot lines, than ten (10) feet to side lot lines, and no closer than fifteen (15) feet to rear lot lines. Where parking areas adjoin a residential district, such areas shall not be located within the required yard. All yards or portions of yards not used for parking shall be appropriately landscaped and maintained.

B. Where side or rear yards adjoin a residential district, they shall be no less than fifty (50) feet, shall not be used for parking, and shall be appropriately landscaped and maintained.

C. No building or structure shall exceed two and one-half (2½) stories or thirty-five (35) feet in height unless authorized as a Special Exception by the Zoning Hearing Board.

D. Lot coverage requirements shall be as follows:

<table>
<thead>
<tr>
<th>ANY PERMITTED USE</th>
<th>MAX. LOT COVERAGE</th>
<th>MAX. PAVED AREA</th>
<th>MIN. OPEN AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>40%</td>
<td>50%</td>
<td>25%</td>
</tr>
</tbody>
</table>

SECTION 13.05 MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS

A. Off-street parking shall be provided in accordance with Part 19 of this Ordinance.

B. Each business use, if necessary, shall provide off-street loading and unloading space at the side or rear of the building for each four thousand (4,000) square feet of floor area or fraction thereof in each building. Such loading and unloading space or spaces shall not be less than six hundred sixty (660) sq. ft. in area with dimensions of 12 feet by 55 feet per space, which shall be

*Amended 11-11-80
located exclusive of any public right-of-way. Each such space shall have a vertical clearance of not less than fifteen (15) feet.

SECTION 13.06 LIMITATIONS OF SIGNS Only those signs referring or relating to uses conducted on the premises or to the materials or products made, sold, or displayed on the premises shall be permitted and further provided that all signs and advertising structures shall be maintained in accordance with Part 20 of this Ordinance.

PART 14
I-1, INDUSTRIAL DISTRICTS

SECTION 14.01 INTENT This district is designed to accommodate and promote industrial activities, commercial wholesale uses, and warehousing operations dependent upon existing land uses, physical conditions, and availability of nearby municipal utilities and transport facilities. The district accommodates industrial activities in these areas so as to minimize any detrimental effects they might have on other uses in the Borough and at the same time provide an industrial zone free from the encroachment of other activities.

SECTION 14.02 PERMITTED USES

A. Any use not otherwise prohibited by law of a manufacturing, fabricating, processing, packaging, compounding, treatment, or commercial nature (including storage, distribution, assembling, converting, altering, finishing, or other produce handling which, in the opinion of the Zoning Officer, would not be injurious to the public health, safety, and welfare and will not have an adverse affect on adjacent areas. The Zoning Officer shall be satisfied that the proposed use will not result in more than normal:

1. Dissemination of dust, observable gas or fumes, odor, noise, glare, or vibration in which such use is conducted; or
2. Hazard of fire, explosion, or other physical hazard to any adjacent building or property; or
3. Harmful discharge of waste materials.

Should the Zoning Officer feel that there is any likelihood of the aforementioned dangers or nuisances, the applicant must prove the contrary to the Zoning Hearing Board and shall comply with the performance standards of Section 18.210f this Ordinance before a permit may be issued. In such a case, the Borough Planning Commission shall be notified of the hearing in order to provide the Zoning Hearing Board with a recommendation.

B. Warehousing and wholesale establishments.

C. Outdoor storage yards provided that the following conditions are met:

1. The minimum lot size shall be five (5) acres.
2. A minimum setback of seventy-five (75) feet shall be observed from any lot line for the storage of any articles.
3. Maximum portion of the lot to be used for storage shall not exceed seventy-five (75) percent.
4. A permanent fence at least six (6) feet in height shall be erected around all outdoor storage areas. Said fence may be erected within the required front, side and rear yard setbacks.
5. The front, side and rear yard area shall be landscaped according to an overall plan reviewed by the Planning Commission and approved by the Zoning Hearing Board.

D. Railroad, trucking, busing, and other transit facilities including storage, repair, and transfer operations.

E. Utility Installations and Communications Facilities. Communications Facilities requiring transmission antennas, radio or television stations, satellite earth stations and similar uses shall meet the following conditions:

1. All communication equipment, including antennas and their associated structures or supports, shall meet principal building structure setbacks and maximum height limitations and shall not be located in required buffer areas.

2. All ground-mounted antennas shall be completely enclosed by a minimum six-foot high fence.

3. Antennas and their associated structures or supports shall be neutral in color and shall not contain or be a part of any form of advertising message or sign.

4. Ionizing and nonionizing electromagnetic radiation emitted from communications equipment associated with the above uses shall comply with all state and federal requirements governing such uses.

5. There shall be no outside storage of any materials other than vehicles. All materials must be in completely enclosed buildings.

F. Accessory uses and buildings customarily incidental to any of the above permitted uses, including:

1. Signs, when erected and maintained in accordance with provisions of Part 20 of this Ordinance.

SECTION 14.03 PROHIBITED USES A building may be erected, altered or used for any trade, industry or business that is not obnoxious or offensive by reason of odor, dust, or hazard to public health, safety, and welfare. The uses specifically prohibited as a trade or business are as follows:

A. Junk or automobile wrecking yards.

B. Quarrying, the operation of stone crushers, kilns, and other processing operations incidental to quarrying.

C. The incineration, reduction, storage or dumping of garbage, offal, animals, fish or refuse.

D. Tanning or storage of raw hides or skins and fat rendering.

E. Abattoir, slaughter house or stockyards.

F. The manufacture or storage of gunpowder, fireworks or other explosives.

Amended 8/11/98
SECTION 14.04 LOT AREA, BUILDING HEIGHT, AND YARD REQUIREMENTS A lot width, lot area, and yard depths of not less than the dimensions shown in the following list shall be provided for every principal building hereafter erected or altered for any use permitted in this district.

A. Minimum Lot Size The minimum size for any new lot created in the Industrial District shall be two (2) acres.

B. Area Regulations The width of a lot in the Industrial District shall be no less than two hundred fifty (250) feet. Maximum lot coverage shall not exceed fifty (50) percent, with a minimum open area no less than thirty (30) percent and a maximum paved area no greater than thirty (30) percent.

C. Yard Regulations For every principal or accessory building or use in an Industrial District, the minimum yard regulations are as follows:

1. Front yard
   a. Not less than one hundred (100) feet measured from the right-of-way line of the road to the building line.
   b. Not less than one hundred fifty (150) feet if opposite a residential district, measured from the road right-of-way line to the building line.
   c. Off-street loading and unloading shall not be permitted in the front yard.

2. Side yards
   a. Not less than fifty (50) feet measured from side property lines.
   b. Where a side yard adjoins a street or road, it shall be considered a front yard and shall be no less than one hundred (100) feet measured from the road right-of-way.

3. Rear yards of fifty (50) feet shall be provided measured from the property line.

4. No building or structure permitted in the Industrial District shall be located less than seventy-five (75) feet from any residentially zoned property.

5. Parking may be permitted to within twenty-five (25) feet of the lot line in any required side or rear yard that does not adjoin a public roadway or residential district, fifty (50) percent of the depth or width of the required yard may be utilized for parking purposes.

D. Height Regulations The height of any main or accessory building shall not exceed seventy-five (75) feet, except that chimneys, flagpoles, towers, water tanks, and other mechanical appurtenances may be built to a height not exceeding one hundred twenty-five (125) feet above the finished grade.

SECTION 14.05 MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS

A. Off-street parking shall be provided for in accordance with Part 19 of this Ordinance.
B. On the same premises with every building or structure or part thereof involving the receipt or distribution of materials or products, there shall be provided adequate space for standing, loading, or unloading. All such spaces shall conform to a dimension of not less than twelve (12) feet by fifty-five (55) feet or six hundred sixty (660) square feet in area, with a clearance of not less than fifteen (15) feet in height. Spaces required shall be determined by the table below and located exclusive of any public right-of-way or required parking area.

<table>
<thead>
<tr>
<th>Gross Floor Area (sq. ft.)</th>
<th>Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 2,000</td>
<td>None</td>
</tr>
<tr>
<td>2,001 to 10,000</td>
<td>One (1) space</td>
</tr>
<tr>
<td>10,001 to 50,000</td>
<td>One (1) space plus one (1) additional space for each 20,000 sq. ft. or fraction thereof in excess of 10,000 sq. ft.</td>
</tr>
<tr>
<td>50,001 and over</td>
<td>Three (3) spaces plus one (1) additional space for each 40,000 sq. ft. or fraction thereof in excess of 50,000 sq. ft.</td>
</tr>
</tbody>
</table>
SECTION 15.01 INTENT To prohibit or restrict construction of any mobile home, permanent building or structure, or uses and activities in the Flood Plain District, in order to prevent unnecessary loss of life or property from possible natural catastrophe as well as to protect stream valleys from ecologically detrimental development that may contribute to a water pollution problem, create erosion in and around the water courses, and induce flooding conditions. In addition, these provisions are intended to prevent the creation of health and safety hazards, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and to minimize future flood damage.

SECTION 15.02 DEFINITION OF TERMS UTILIZED IN THE FLOOD PLAIN DISTRICT

A. Construction - The term "construction" shall include the building, reconstruction, expansion, alteration, substantial improvement, erection or relocation of a building or structure, including mobile homes. For flood plain purposes, "construction" includes structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by the municipality.

B. Development - any man-made change to improved or unimproved real estate, including but not limited to buildings, mobile homes or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

C. Flood - A temporary inundation of water on normally dry land areas.

D. Flood Fringe - The portion of the 100 year flood plain located outside of the floodway and for which the flood elevations have been determined.

E. Flood Plain - (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation by water; (2) an area subject to the unusual and rapid accumulation of runoff of surface water from any source.

F. Flood Plain District - The zoning district that establishes the bounds of the one hundred (100) year flood plain with flood elevations as identified by the Federal Insurance Administrator so that necessary flood plain management control measures can be instituted in flood plain areas. This district has been divided into two (2) sub-districts: The Floodway and the Flood Fringe.

G. Floodway - That portion of the one hundred (100) year flood plain, including the channel of a river or other watercourse and the adjacent land areas which are required to carry and discharge the one hundred (100) year flood, where the activities permitted elsewhere in the flood plain district will not cumulatively increase the water surface elevation more than one (1) foot at any given point. The detailed study of the Regulatory Flood provides specific flood profiles and allows for the delineation of both floodway and flood fringe areas within the bounds of the flood plain.

Part amended September 13, 1983 -266.1-
H. One Hundred (100) Year Flood (Regulatory Flood) - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year.)

I. One Hundred (100) Year Flood Plain - (1) the relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation on the average of once every one hundred (100) years; (2) an area subject to the unusual and rapid accumulation or runoff of surface water from any source on the average of once every one hundred (100) years.

J. Regulatory Flood - The flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other ordinances have been prepared; for purposes of this Ordinance, the one hundred year flood, as defined by the Federal Insurance Administrator.

K. Regulatory Flood Elevation - The one hundred (100) year flood elevation based upon the information contained in the Official Flood Insurance Study.

L. Start of Construction - The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

M. Substantial Improvement - Any reconstruction, alteration, or improvement (not including general maintenance or repair) of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this Ordinance, substantial improvement is considered to have occurred when the first alteration of any wall, ceiling, floor, or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure.

   The term does not, however, include either (1) any project for improvement of a structure to comply with the existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

N. Toxic Materials - The following materials and substances which are listed in Section 38.7 of the Department of Community Affairs Flood Plain Management Regulations adopted pursuant to the Pennsylvania Flood Plain Management Act (Act 1978-166) have been determined to be dangerous to human life:

-267-
1. Acetone  
2. Ammonia  
3. Benzene  
4. Calcium carbide  
5. Carbon disulfide  
6. Celluloid  
7. Chlorine  
8. Hydrochloric acid  
9. Hydrocyanic acid  
10. Magnesium  
11. Nitric acid and oxides of nitrogen  
12. Petroleum products (gasoline, fuel oil, etc.)  
13. Phosphorus  
14. Potassium  
15. Pesticides, (including insecticides, fungicides, and rodenticides)  
16. Sodium  
17. Sulphur and sulphur products  
18. Radioactive substances, insofar as such substances are not otherwise regulated.

SECTION 15.03 DELINEATION OF DISTRICTS  The Flood District shall include all areas subject to inundation by flood waters of the Regulatory Flood. The basis for the delineation of the Flood Plain District and its two (2) sub-districts (Floodway and Flood Fringe) shall be the Flood Boundary/Floodway Map (dated September 10, 1982) and the Official Flood Insurance Study prepared by the Flood Insurance Administrator.

The Flood District shall be the one hundred (100) year flood elevations contained in the flood profiles of the previously referenced Flood Insurance Study and as Zone A1-A30 on the accompanying maps.

The delineation of the Flood Plain, Floodway, and/or Flood Fringe District may be revised by the Borough Council where natural or man-made changes have occurred and/or more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers River Basin Commission, or other qualified agencies or individuals. However, prior to when the district bounds are to be changed, approval shall be obtained from the Federal Insurance Administrator.

Initial interpretations of the boundaries of the Flood Plain Districts shall be made by the Zoning Administrator. Where interpretation is needed concerning the exact location of any boundary of the Flood Plain District or its sub-districts, the Zoning Hearing Board shall make the necessary determination after hearing all evidence presented by the person or persons contesting the location of district boundaries. The burden of proof shall be the responsibility of the appellant, and he shall provide any and all technical information to support his case.

SECTION 15.04 DISTRICT PROVISIONS  All uses, activities and development occurring within either the Floodway or Flood Fringe District shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances such as the Lebanon County Floodproofing Building Code and the Borough of Myerstown Subdivision and Land Development Ordinance.
Under no circumstances shall any use, activity and/or development adversely affect the capacity of the stream channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

No structures, including mobile homes, or land shall hereinafter be used and no structures, including mobile homes, shall be located, relocated, constructed, reconstructed, enlarged, structurally altered or substantially improved except in full compliance with the terms and provisions of this Ordinance and any other applicable codes and ordinances such as the Lebanon County Floodproofing Building Code and the Borough of Myerstown Subdivision and Land Development Ordinance.

All permitted uses shall be required by the provisions of the nearest zoning district as shown on the Official Zoning Map. Where there happen to be conflicts between the provisions or requirements of either the Floodway or Flood Fringe District and the nearest zoning district, the more restrictive provisions shall apply. In the event that any portion of the Flood Plain District be declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the nearest zoning district shall be deemed to be the district in which the Flood Plain District properties are located.

SECTION 15.05 FLOODWAY DISTRICT (FW) In the Floodway District no development including mobile homes, shall be permitted except where the effect of such development on flood heights is fully offset by accompanying stream improvements which have been approved by all appropriate local and/or state authorities.

A. Permitted Uses – In the Floodway District, the following uses and activities are permitted provided that they are in compliance with the provisions of the nearest zoning district, will not result in any increase in the level of the Regulatory Flood anywhere, are not prohibited by this or any other ordinance and provided that they do not require structures, mobile homes, fill, vehicles or parts thereof, storage of materials and equipment, substantial improvements or other development:

1. Agricultural uses such as general farming, horticulture, truck gardening, nurseries, pasturing, grazing, forestry, and farming and wild crop harvesting.
2. Public and private recreational uses and activities such as parks; picnic grounds; areas for short term camping; golf courses; boat launching and swimming areas; hiking, bicycling, and horseback riding trails; wildlife and nature preserves; game farms; fish hatcheries; shooting preserves and shooting ranges; and hunting and fishing areas. Open structures such as picnic pavilions consisting of a slab, open structural supports such as posts and pillars, and a roof, shall be permitted only if constructed in compliance with the Lebanon County Floodproofing Building Code.
3. All uses customarily accessory to permitted uses in the nearest adjoining district such as yard areas, gardens, or play areas; unroofed porches, patios, open porches, or carports provided that said structures are not enclosed by screening, latticing, studs, or structural supports less than eight (8) feet apart which would in any manner restrict the flow of flood water and debris; impervious parking and loading areas; and airport landing strips.
4. The following uses and activities are permitted as Special Exceptions upon approval by the Zoning Hearing Board, provided that they are in compliance with the provisions of the nearest zoning district, the provisions of the Lebanon County Floodproofing Building Code, will not elevate the level of the Regulatory Flood at all and are not prohibited by any other ordinance:
a. Structures accessory to the uses and activities in Section A above, but shall not be construed to include mobile homes, vehicles or parts thereof.

b. Utilities, public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses.

c. Water-related uses and activities such as marinas, docks, wharves, piers, etc.

d. Extraction of sand, gravel, and other materials.

e. Storage of materials, and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.

f. Other similar uses and activities provided they cause no increase in flood heights and/or velocities. All uses, activities, and structural development, shall be undertaken in strict compliance with the floodproofing provisions contained in the Lebanon County Floodproofing Building Code and all other applicable codes and ordinances.

SECTION 15.06 FLOOD FRINGE DISTRICT (FF) In the Flood Fringe District the development and/or use of land shall be permitted in accordance with the regulations of the nearest zoning district provided that all uses, activities and/or development shall be undertaken in strict compliance with the Lebanon County Floodproofing Building Code and any other applicable codes and ordinances.

SECTION 15.07 PROHIBITED USES In the Flood Plain Districts the following uses and activities are strictly prohibited:

A. Hospitals, sanitariums, sanatoriums, clinics, etc. whether public or private.

B. Public or private nursing homes.

C. Jails or prisons.

D. Public or private schools or institutions of higher education.

E. New mobile home parks and mobile home subdivisions and substantial improvements to existing mobile home parks.

F. A new or substantially improved structure which will be used for the production or storage of any materials which are toxic, flammable or explosive or which will be used for any activity requiring the maintenance of a supply of more than 550 gallons of such materials or any amount of radioactive substances.

G. Any other use, activity, or development not specifically permitted under the terms of this part.

SECTION 15.08 FACTORS TO BE CONSIDERED BY THE ZONING HEARING BOARD WHEN REVIEWING SPECIAL EXCEPTIONS AND VARIANCES IN THE FLOOD PLAIN DISTRICT. In reviewing applications for Special Exceptions and Variances, the Zoning Hearing Board shall consider and shall apply all relevant factors specified in this Ordinance, in the Pennsylvania Municipalities Planning Code (Act 247 as amended), and other ordinances and shall apply all of the following factors:
A. The danger to life and property due to increased flood heights or velocities caused by encroachments.

B. The danger that materials may be swept onto other lands or downstream to the injury of others.

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

D. The susceptibility of the proposed structure or use and its contents to flood damage and the effect of such damage on the individual owners.

E. The importance of the services provided by the proposed facility to the community.

F. The requirements of the facility for a waterfront location.

G. The availability of alternate locations not subject to flooding for the proposed use.

H. The compatibility of the proposed use or structure with existing development and development in the foreseeable future.

I. The relationship of the proposed use or structure to the Comprehensive Plan and flood plain management program for the area.

J. The safety of access to the property in times of flood by ordinary and emergency vehicles.

K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

L. Variances may be granted for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places where appropriate.

M. No variance shall be granted to allow either in whole or in part any prohibited use listed in Section 15.07 of the Ordinance.

N. The granting of a variance shall provide relief only from the specific term(s) of the flood plain regulations requested, not exemption from all flood plain regulations or any applicable insurance premiums.

O. Variances shall not be given in the floodway that result in any increase in flood levels during the one hundred (100) year flood.

P. Variances shall be granted only when and where the applicant demonstrates compliance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247 as amended).

Q. Variances shall be granted only when they are shown to be the minimum relief necessary, considering the flood hazard.

R. When variances are granted, written notification, signed by the appropriate local official, shall be given to the applicant indicating that:

1. Increased insurance premium rates will result, and
2. Construction occurring below the one hundred (100) year flood level will increase risks to life and property.

S. Other factors which are relevant to the purposes of this Ordinance.

SECTION 15.09 NONCONFORMITIES A structure, or use of a structure or land which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following:

A. Existing nonconforming structures or uses located in the Floodway District (FW):

1. Shall not be moved, replaced or substantially improved, but may be modified, altered, or repaired to incorporate floodproofing measures as per the Lebanon County Floodproofing Building Code, provided that such measures and elevation techniques do not raise the level of the Regulatory Flood.

2. May be expanded or enlarged, but not substantially improved, provided that said expansion or enlargement (a) does not exceed 25% of the area of the first floor of the structure existing at the time of adoption of this Ordinance, (b) is not constructed below the existing first floor elevation, and (c) complies with all applicable floodproofing requirements of the Lebanon County Floodproofing Building Code. Plans for the above mentioned expansion or enlargement shall be accompanied by a side profile of the existing and proposed structures and shall indicate existing grade, floor elevations, use of fill, etc.

B. Existing nonconforming structures or uses located in the Flood Fringe District (FF):

1. May be substantially improved, moved, replaced, modified, altered, or repaired provided that such work is conducted in full compliance with the provisions of this Ordinance, the Lebanon County Floodproofing Building Code, and any other applicable codes or ordinances.

2. May be enlarged or expanded in a manner which is not a substantial improvement as defined by this Ordinance, and provided that said enlargement or expansion complies with the above requirements (a), (b), and (c) of Section 15.09-A2.

C. If any nonconforming structure or use, including mobile homes, located in the flood plain districts is demolished, removed, or destroyed by any means, including floods, to an extent of fifty (50) percent or more of the market value of the structure, it shall not be reconstructed, replaced, or continued except in conformity with the provisions of this Ordinance, the Lebanon County Floodproofing Building Code, and any other applicable ordinance.

SECTION 15.10 LOT AREA, YARD AND SIGN REQUIREMENTS The lot area, yard, sign, and other district requirements shall be the same as the district requirements of the nearest zoning district of the land in question.

SECTION 15.11 ADDITIONAL SAFEGUARDS

A. No part of any private on-lot sewage disposal system shall be constructed within the Flood Plain District.

B. Community water supply systems and sanitary sewage systems shall be designed and located to preclude infiltration of flood waters into the system and discharges from the system into flood waters.

C. The municipality will endeavor to coordinate its flood plain management program
with neighboring municipalities, particularly when the property(ies) in question is located near a municipal boundary.

D. Use of fill is prohibited within the Floodway, unless the property owner or applicant provides a document, acceptable by the Zoning Administrator, certified by a registered professional engineer, stating that the cumulative effect of the proposed fill, in conjunction with other anticipated development, will not result in an increase in the water surface elevation of the Regulatory Flood at any point. Use of fill in the Flood Fringe is permitted only when in compliance with the Lebanon County Floodproofing Building Code and any other applicable ordinances.

E. Prior to any stream or watercourse alteration or relocation, a permit shall be obtained from the Department of Environmental Resources. Also, adjacent communities, the Department of Community Affairs and the Flood Insurance Administrator must be notified. Additionally, the municipality must be assured that the flood carrying capacity of an altered or relocated watercourse is maintained.

F. The placement or replacement of any mobile homes in the Floodway District (FW) is prohibited, except as replacement units in existing mobile home parks and existing mobile home subdivisions. Said replacement units shall comply with the Special Anchoring requirements of Section 1.5 of the Lebanon County Floodproofing Building Code.

SECTION 15.12 ADDITIONAL ADMINISTRATIVE REQUIREMENTS

A. To insure that all construction and development within identified flood plain areas will be conducted employing adequate flood damage controls, the Zoning Administrator shall require the following specific information to be included as part of an application for a permit:

1. A plan which accurately locates the proposed construction and/or development with respect to the flood plain area boundaries, stream channel, existing flood plain development and all proposed subdivision and land development to assure that:
   a. All such proposals are consistent with the need to minimize flood damage.
   b. All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and
   c. Adequate drainage is provided to reduce exposure to flood hazard.

2. Such plan shall also include existing and proposed contours and elevations of the grounds, regulatory flood elevations, structure elevations, size of the structure, location and elevations of streets, water supply, sanitary facilities, soil types and floodproofing measures.

3. A document certified by a registered professional engineer or architect that adequate precautions against flood damage have been taken with respect to the design of any building or structure, and that the plans for the development of the site adhere to the restrictions cited in this Ordinance, the Lebanon County Floodproofing Building Code, and other applicable ordinances.

B. Review of Application by County Conservation District. A copy of all applications and plans for construction and/or development in the identified flood plain areas to be considered for approval shall be submitted by the applicant to the County
Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Zoning Administrator for possible incorporation into the proposed plan.

C. Review of Application by Others A copy of all plans and applications for construction and/or development in the flood plain areas to be considered for approval shall be submitted by the applicant at the discretion of the Zoning Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment prior to the issuance of a building permit.

D. A record of all Variances granted, including their justification, shall be maintained by the community as well as reported in the annual report to the Flood Insurance Administrator.

SECTION 15.13 CONFLICTING ORDINANCES Ordinances or parts of ordinances in conflict with this article, or inconsistent with the provisions of this article are hereby repealed to the extent necessary to give the Flood Plain District full force and effect.

SECTION 15.14 STATEMENT OF DISCLAIMER The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study; however, larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the flood plain district or that land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of this municipality or any officer or employee thereof for any flood damage that results from reliance on this Ordinance or any administrative decision made thereunder.

SECTION 15.15 BUILDING PERMITS REQUIRED Building permits shall be required before any proposed construction, substantial improvement, or development is undertaken within any identified flood prone area of the municipality. Prior to issuance of any building permit, the applicant shall submit to the Zoning Administrator copies of all other required State and Federal permits.
PART 16
NONCONFORMING LOTS
NONCONFORMING USES OF LAND
NONCONFORMING STRUCTURES
NONCONFORMING USES OF STRUCTURES AND PREMISES
AND
NONCONFORMING CHARACTERISTICS OF USE

SECTION 16.01 INTENT  Within the districts established by this Ordinance or amendment that may later be adopted, there exist:

A. Lots,
B. Structures,
C. Uses of land and structures, and
D. Characteristics of use

which were lawful before this Ordinance was passed or amended but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed. It is further the intent of this Ordinance that nonconformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

SECTION 16.02 NONCONFORMING LOTS OF RECORD  In any district a permitted building and customary accessory building(s) may be erected on any single lot on record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership. This provision shall apply even though such lot fails to meet the minimum requirements for area or width, or both, that are generally applicable in this district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall
be obtained only through action of the Zoning Hearing Board.

If one or more lots are on record in the Office of the Recorder of Deeds of Lebanon County and have been duly approved by the Borough Council, they may be developed according to the recorded plan even though said lots may not conform with the minimum requirements for area or width or both that are generally applicable in the district. However, no portion of said lots or parcels shall be used or sold in a manner which further diminishes compliance with lot width and area requirements as established by this Ordinance.

SECTION 16.03 NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY)

Where at the time of passage of this Ordinance, lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars ($1,000.00), the use may be continued so long as it remains otherwise lawful, provided that the following conditions are met:

A. If any such nonconforming use of land ceases for any reason for a period of more than ninety (90) continuous days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

B. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

SECTION 16.04 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure; such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity provided that existing unroofed porches, bays and similar structures shall not be used to determine the existing building line.

B. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall not be reconstructed in a manner which increases its nonconformity.

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 16.05 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION

If lawful use involving individual structures with replacement cost of one thousand dollars ($1,000.00) or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this Ordinance, in
the district in which it is located shall be enlarged or extended, except on contiguous property owned at the time of adoption of this Ordinance.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance.

C. Any nonconforming use of a structure, or structure and premises, may as a Special Exception be changed to another nonconforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than ninety (90) percent of the replacement cost at the time of destruction.

F. If a nonconforming use of land ceases operation for a period of more than one (1) year, and if during the period of time the property owner has not filed a certificate of intention to maintain such use with the municipal secretary, then this shall be deemed to be an intent to abandon such use, and any subsequent use of the land shall conform to the regulations of this Ordinance.

SECTION 16.06 REPAIRS AND MAINTENANCE Nothing in this Ordinance shall be deemed to prevent any repairs or maintenance of a nonconforming building or structure.

SECTION 16.07 USES UNDER SPECIAL EXCEPTION NOT NONCONFORMING USES Any use which is permitted as a Special Exception in a district under the terms of this Ordinance (other than a change through Zoning Hearing Board action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

SECTION 16.08 REGISTRATION In order to facilitate the administration of this Ordinance the Zoning Administrator shall maintain an accurate listing of those nonconforming uses which are not permitted as a use by right in the district in which they are located and for which no Special Exception or Variance has been granted. Such listing shall be a matter of public record and shall constitute sufficient notice of any transferee acquiring any right to use or own such property.
SECTION 17.01 INTENT In order to provide for a wide range of housing types and new innovations in the field of residential development and at the same time assure the necessary amenities for residential living as provided for in all residential districts, the following section is included to assure the necessary ordinance flexibility for this kind of development. This section shall apply only to the R-1, Low Density Residential Districts.

SECTION 17.02 PROCEDURE

A. An application for a permit authorizing a modification of the strict requirement of this Ordinance for a planned residential development must be made to the Borough Council in seven (7) copies. This application shall contain the following information:

1. A legal description of the property under consideration which shall be a minimum of five (5) acres in area.

2. A scaled topographic map of the entire parcel with a contour interval of not less than two (2) feet.

3. A site plan showing the location of all existing and proposed buildings and structures, parking lots, buffer strips, plantings, streets, public ways, and curb cuts.

4. Proposed reservations for parks, parkways, playgrounds, school sites and other open spaces with indication of the organization to own and maintain such open space.

5. A location map showing the location of the site in relation to the surrounding area.

6. Architectural sketches, at the appropriate scale, showing building height, bulk, interior layout, and proposed use.

7. A feasible proposal for sanitary sewers and storm water control.

8. The substance of covenants, grants of easement, or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements of grants for public utilities.

9. The required modification in the land use regulations otherwise applicable to the subject property.

10. A schedule showing the proposed times within which applications for final approval of all sections of the planned residential development are intended to be filed if the development plans call for development over a period of years. This schedule must be updated annually until the development is completed and accepted.

B. The Borough Council shall refer the application to the Planning Commission.
and the County Planning Department for study and recommendation. The two (2) agencies shall be required to make comment to the Borough Council within forty (40) days or the right to review shall be considered forfeited. The Borough Council shall hold a public hearing within sixty (60) days after filing of the application for tentative approval following the same procedure for enactment of an amendment to the Zoning Ordinance (See Part 27).

C. Within thirty (30) days following the conclusion of the public hearing, the Borough Council shall make a written report by certified mail to the applicant. Said report shall:

1. Grant tentative approval of the development plan as submitted.

2. Grant tentative approval subject to specified conditions not included in the development plan as submitted.

3. Deny tentative approval of the development plan.

D. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. If tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written report, notify the Borough Council of his refusal to accept all said conditions, in which case the Borough Council shall be deemed to have denied tentative approval of the development plan. If the landowner does not, within said period notify the Borough Council of his refusal to accept all said conditions, tentative approval of the development plan, with all stated conditions, shall stand as granted.

The official written report granting or denying tentative approval shall include conclusions and findings of fact related to the proposal and the reasons for the grant, with or without conditions, or the denial. Also contained in the report shall be a statement of the respects in which the development plan is not in the public interest, including conclusions on the following:

1. In those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the Borough.

2. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, and the reasons why such departures are or are not deemed to be in the public interest.

3. The purpose, location, and amount of the common open space in the planned residential development; the reliability of the proposals for maintenance of the common open space; and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.

4. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services; provided adequate control over vehicular traffic; and further the amenities of light and air, recreation and visual enjoyment.

5. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established.
6. The time period within which an application for final approval shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. The time so established shall not be less than three (3) months and, in the case of the phased development, not less than twelve (12) months for applications of each part of the plan.

E. The official written report shall be certified by the Secretary of the Borough Council and filed in his office. Where tentative approval has been granted, the same shall be noted on the zoning map.

Tentative approval shall not qualify a plat of the planned residential development for recording, development, or the issuance of any building permits, if the time period for submission of final application specified in said written report is being fulfilled. A plan which has received tentative approval shall not be modified, revoked, nor otherwise impaired by action of the Borough without consent of the applicant.

In the event tentative approval was granted, but prior to final approval, an applicant elects to abandon said plan and notifies the Borough Council in writing or fails to file for final approval within the specified time, the tentative approval shall be deemed to be revoked; and all the area in the development plan which has not received final approval shall be subject to the Zoning Ordinance as otherwise applicable thereto and the same shall be noted on the zoning map and in the records of the Borough.

F. The application for final approval may be for all the land included in the plan or, to the extent set forth in the tentative approval for a section thereof. Said application shall be made to the Borough Council within the time or times specified by the tentative approval. The application for final approval shall meet all requirements and contain all enclosures specified for the final plan of a subdivision stated within the Land Subdivision Regulations of Lebanon County. A public hearing on an application for final approval of the development plan or part thereof shall be required, provided the development or part thereof submitted for final approval is in compliance with the development plan theretofore given tentative approval.

1. When the final application has been filed, together with all drawings, specifications, and other documents in support thereof, and as required by the Ordinance and the official written report of tentative approval, the Borough Council, within thirty (30) days of such filing, shall grant final approval of said plan.

2. When the final application contains variations from the plan given tentative approval, the Borough Council may refuse to grant final approval and shall within thirty (30) days of the filing, so advise the applicant of said refusal, setting forth the reasons why one or more of the variations are not in the public interest. In the event of such refusal, the applicant may either: refile his application without objected variations, or request a public hearing on his application for final approval. Either action shall be taken within the time which the applicant was entitled to apply for final approval or within thirty (30) additional days if the said time already passes when the applicant was advised of
the denial. If no action is taken by the applicant, the plan shall be abandoned. If a public hearing is requested, it shall be conducted in the same manner prescribed for tentative approval; but the written report shall either grant or deny final approval while in the form and contain the findings required for an application for tentative approval.

G. A development plan or any part thereof which has received final approval shall be certified by the Borough Council and filed within ninety (90) days with the Lebanon County Recorder of Deeds. Should the plan not be recorded within such period, the action of the Borough Council shall become null and void. No development shall take place until the plan has been recorded; and from that point of time, no modification of the provisions of said plan or part thereof as finally approved shall be made without the consent of the landowner.

H. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, the landowner shall so notify the Borough Council, in writing; or, in the event the landowner shall fail to commence and carry out the planned residential development within twelve (12) months after the final approval has been granted, no development or further development shall take place on the property included in the development plan until after said property is resubdivided and is reclassified by enactment of an amendment to the Myerstown Borough Zoning Ordinance.

I. Any decision of the Borough Council under this article granting or denying tentative or final approval of a development plan shall be subject to appeal to court in the same number and within the same time limitation provided for zoning appeals.

SECTION 17.03 PLANNED DEVELOPMENT STANDARDS

A. Dwelling Units Permitted The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per family required by the district in which the area is located. Net development area shall be determined by subtracting the area set aside for churches and school use from the gross development area and deducting fifteen (15) percent of the remainder for streets, regardless of the amount of land actually required for streets. The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted. The Borough Council shall determine the appropriate percentage of multi-family dwellings and/or commercial uses permitted in the development depending upon the size of the development and the character of the area in which such development is located; provided, however, that in no case shall more than fifty (50) percent of the net developable land area be developed into multiple dwellings and no more than six (6) percent of the net developable land area shall be developed into commercial uses.

B. Lot Area and Frontage The minimum lot area and minimum lot frontage of dwelling lots established within the development shall not be less than one-third (1/3) of the normal minimum lot area nor a minimum lot frontage of less than forty (40) feet.

C. Other Requirements All other applicable provisions of this Zoning Ordinance such as off-street parking regulations, community park controls, and limitations of signs shall apply to the planned unit development. Layout and improve-
ment of streets and driveways shall conform to the Land Subdivision Regulations of Lebanon County and other regulations pertaining thereto established by the Borough Council.

1. Required minimum open area may be reduced by ten (10) percent.
2. Maximum lot coverage may be increased by five (5) percent.
3. The minimum rear yard may be reduced to not less than twenty (20) feet.
4. Both public water and public sewer facilities shall be supplied to each dwelling.
5. The required open area shall be located within one thousand (1,000) feet from each dwelling.

PART 18
SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 18.01 VISIBILITY AT INTERSECTIONS On a corner lot in any district, a clear sight triangle shall be provided at all street and alley intersections. Within such triangles, no vision obstructing object other than utility poles shall be permitted which obscures vision above the height of thirty (30) inches and below ten (10) feet measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of:

A. Seventy-five (75) feet from the point of intersection of the center line of intersecting streets, except that;

B. Clear sight triangles of one hundred (100) feet shall be provided for all intersections with arterial and major streets as designated in the Borough Comprehensive Plan.

SECTION 18.02 FENCES, WALLS AND HEDGES Except as required by other provisions of this Ordinance, fences, walls, and hedges may be permitted in any yard provided that:

A. No fence, wall, or hedge of any front yard shall be over thirty (30) inches in height, and

B. Fences located other than in the front yard are permitted to a height not to exceed six (6) feet, and

C. No fence shall be erected closer than one (1) foot to any borough street or alley right-of-way line.

SECTION 18.03 RETAINING WALLS Construction of retaining walls along any borough street or alley is prohibited. No retaining wall shall be constructed without satisfactory drainage provisions at a height exceeding four (4) feet unless a continuous four (4) foot protective fence is erected immediately on top of said wall.

SECTION 18.04 LOT IN TWO DISTRICTS Where a district boundary line divides a lot of record in single or joint ownership at the time such line is established, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided that the lot has frontage on a street in the less restricted district.
SECTION 18.05 FRONT YARD EXCEPTIONS  When an unimproved lot is situated between two (2) improved lots with front yard setbacks less than those required for the district, the required front yard of the unimproved lot may be reduced to a depth to the average of the two (2), improved, adjoining lots; however, in no case shall a front yard be reduced by more than fifty (50) percent of the required front yard of the district.

SECTION 18.06 FOUNDATIONS  All dwelling units, exclusive of mobile homes in mobile home parks, hereafter erected or altered shall have a permanent, continuous footer and foundation. The footer shall be installed to a minimum depth of eighteen (18) inches below ground level.

SECTION 18.07 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT  In any district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that the area, yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

SECTION 18.08 ACCESSORY BUILDINGS AND STRUCTURES  No separate accessory building or structure shall be permitted in any required front yard. In rear yards, they shall not be permitted within five (5) feet of the rear or side lot lines and shall not exceed fifteen (15) feet in height unless otherwise authorized by the terms of this Ordinance. The following requirements shall also apply where applicable:

A. Animal Shelters, including boxes, houses, pens, runs, and other fenced enclosure for customary household animals and pets. Said shelters shall not be attached to residential dwellings, and shall be so located and constructed as to prevent the creation of any nuisance to adjacent property owners.

B. Detached garages - Private

1. Where the entrance to a detached garage abuts an alley, the garage shall be no less than ten (10) feet from the right-of-way of said alley and shall be no closer than three (3) feet to any side lot line.

2. Maximum height shall not exceed twenty (20) feet.

3. Maximum length and width shall not exceed thirty (30) feet each.

4. No temporary structures shall be permitted.

C. Projections into yards shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage. They are as follows:

1. Projecting architectural features - bay windows, cornices, eaves, fireplace chimneys, window sills, or other architectural features - provided they do not exceed more than five (5) feet into any required yard nor closer than three (3) feet to any adjacent property line.

2. Uncovered stairs and landings.

3. Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any required yard nor any closer than three (3) feet to any adjacent property line.
4. Patios, paved terraces, or open porches shall be permitted in all yards provided that no impermeable surface shall be within three (3) feet of any property line.

D. Private, non-commercial swimming pools as follows:

1. In the ground pools which are designed to contain a water depth of twenty-four (24) inches or more or a capacity over five hundred (500) gallons of water shall be located in rear yards only.

   a. As measured from water edge, pools shall not be less than fifteen (15) feet from side and rear property lines, with a continuous fence not less than four (4) feet in height above the ground level surrounding said pool. Such fence shall be equipped with a lockable gate.

   b. Any deck, patio or impermeable surface, not under roof or otherwise enclosed, which surrounds, is attached to, or associated with a pool shall be no closer than ten (10) feet to the side and rear lot lines.

2. Above the ground pools which are designed to contain a water depth of eighteen (18) inches or more or a capacity over four hundred (400) gallons of water shall be located in rear yards only. The pool shall be enclosed by a continuous fence not less than four (4) feet in height above ground level and shall be equipped with a lockable gate or removable access ladder.

   a. Any above the ground pool, including any deck, patio or impermeable surface, not under roof or otherwise enclosed, which surrounds, is attached to, or associated with a pool shall maintain the following side and rear lot lines.

      1) Any property with a width of twenty (20) feet or less, a minimum side yard of three (3) feet shall be maintained.

      2) Any property with a width in excess of twenty (20) feet, a minimum side yard of six (6) feet shall be maintained.

      3) A minimum rear yard of ten (10) feet shall be provided from the right-of-way of an alley; otherwise, a minimum rear yard of five (5) feet shall be provided from the rear lot line.

E. Private tennis courts shall be permitted within side or rear yards provided that such facility shall not be less than fifteen (15) feet from side or rear property lines. No facility shall be permitted unless it is protected by a permanent fence ten (10) feet in height behind each base line and extending ten (10) feet beyond the playing area in each direction.

F. Nothing in this section shall be construed to limit other uses not mentioned so long as they are clearly incidental to the principal permitted use of the land and do not create a threat to the public health, safety, and welfare of the community.

SECTION 18.09 ACCESSORY USE CONTROLS

A. No agricultural uses shall be permitted except individual gardens for home consumption. Such gardens shall not be located in the required front yard.

B. No activities shall be permitted which create a public nuisance and/or interfere with the use of adjacent residential property.

C. Nothing in this section shall limit other uses not mentioned so long as they are clearly accessory to the residential use of the land, are temporary in nature and do not create a threat to the public health, safety and welfare of community.
SECTION 18.10  EXCEPTION TO HEIGHT REGULATIONS  The height limitations of this Ordinance shall not apply to church spires or farm structures when permitted by other provisions of this Ordinance, (i.e. silos, barns, etc.), belfries, cupolas, penthouses, and domes not used for human occupancy nor to chimneys, ventilators, skylights, water tanks, bulkheads and similar features, utility poles and standards and necessary mechanical appurtenances usually carried above the roof level. Such features however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and then only in accordance with any other government regulations.

SECTION 18.11  STRUCTURES TO HAVE ACCESS  Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to a private street approved by the Borough Council, and all structures shall be so located on said lot so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

SECTION 18.12  PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT  For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot used for residential purposes except in a carport, enclosed building, or to the rear of the front yard setback line. Furthermore, such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

SECTION 18.13  PARKING AND STORAGE OF CERTAIN VEHICLES  Automotive vehicles of any kind without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed structures.

SECTION 18.14  CORNER LOT RESTRICTIONS  On every corner lot, there shall be provided on the side street a side yard equal in depth to the required front yard of all other properties along said side street. When such lot is bounded by a public thoroughfare or private road which is less than twenty (20) feet in width (right-of-way), then those requirements indicated for interior lots shall apply.

SECTION 18.15  MUNICIPAL USES  In any district, a building may be erected, altered, or extended and land may be developed which is arranged, intended, or designed for municipal uses, including municipal recreation uses.

SECTION 18.16  PUBLIC UTILITIES EXEMPT  The regulations of this Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a Public Utility Corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

SECTION 18.17  HOME OCCUPATION REGULATIONS  In any district, any gainful occupation conducted by a member of the immediate family residing on the premises may
use parts of a dwelling for a home occupation, provided that the following conditions are met and a permit is issued by the Zoning Officer:

A. Such occupation shall be clearly incidental or secondary to the use of the property as a residence and the use of the dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than one (1) small nameplate as provided in Part 20 of this Ordinance.

B. Home occupations shall be limited to the employment of not more than one (1) assistant.

C. The home occupation shall be conducted wholly within the dwelling and shall not occupy more than twenty-five (25) percent of the total area of the dwelling nor more than five hundred (500) square feet, whichever is less.

D. All parking shall be off-street and three (3) off-street spaces shall be provided in addition to that required of the residence unit, if the practice of the home occupation involves contact with the public or employment of others.

E. Any home occupation which may create objectionable noise, fumes, odor, dust, electrical interference, or more than normal residential traffic shall be prohibited.

SECTION 18.18 GASOLINE PUMPS AND ALL OTHER SERVICE EQUIPMENT Gasoline pumps and all other service equipment shall be setback no less than twenty-five (25) feet from any lot line and/or street right-of-way and located in such a manner that vehicles stopped for service will not extend over the property line or right-of-way line.

SECTION 18.19 REMOVAL OF NATURAL RESOURCES The removal of natural resources from any site in the Borough shall be prohibited subject to the following exceptions:

A. Normal lawn preparation and maintenance.

B. Construction or alteration of a street or public utility improvements.

C. Permitted farming operations so long as sound soil conservation practices are observed.

D. Construction Restrictions The removal of natural resources as a part of site preparation for the construction of a building or for grading incidental to such construction shall be permitted provided that a permit has been obtained from the appropriate municipal body.

E. Mining Restrictions The removal of natural resources for mining purposes may be permitted for a limited, temporary period of time provided that a permit is obtained from the appropriate municipal body.

*SECTION 18.20 DRIVEWAY PERMITS Driveway permits shall be obtained from the Borough Office prior to the construction, alteration, or relocation of any driveway within the Borough of Myerstown. All driveway permits shall be reviewed and written approval granted by the Myerstown Borough Planning Commission prior to issuance.

*Amended 11-11-80
SECTION 18.21 PERFORMANCE STANDARDS

A. General Provisions All uses of land, buildings and structures or industrial processes shall be prohibited that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration, or similar substances or conditions; provided however, that any use may be permitted if adequate provisions, restrictions, and safeguards to protect the health, safety, morals, and the general welfare of the community are established by a written agreement approved by the Zoning Hearing Board subject to the securing of a permit therefore, and subject to the carrying out of such provisions, restrictions, and safeguards.

B. Buffer Yards and Screen Planting Buffer yards shall be provided in accordance with the following standards:

1. A buffer yard of fifty (50) feet shall be required in all cases where the C-2 & C-3 Commercial and I-1 Industrial Districts boundaries abut residential boundaries, unless separated by a public street.

2. The required yard space for the district in which the use is located shall be considered as part of the buffer yard.

3. That portion of the buffer which is the required yard space shall be planted with grass seed, sod, or ground cover; and where specified, dense screen planting. Buffer yards shall be maintained and kept free of all debris and rubbish.

4. No structure, manufacturing or processing activity, or storage of materials shall be permitted in buffer yards; however, access drives may cross the buffer yards and the parking of automobiles shall be permitted in the portion of the buffer yard exclusive of the required yard space.

5. At locations determined by the Board, a dense screen planting at least six (6) feet in height shall be required in a buffer yard and shall consist of trees, shrubs, and other plant material arranged in a manner to serve as a barrier to visibility, air borne particles, glare and noise.

SECTION 18.22 ANIMALS AND POULTRY Operations involving the use of buildings, structures, and/or land for dog kennels, stables, aviaries, apiaries, stock raising, dairying, poultry or hog raising, etc. are prohibited within the Borough.
PART 19
OFF-STREET PARKING

SECTION 19.01 OFF-STREET PARKING FACILITIES, WHEN REQUIRED  Accessory off-street parking facilities, including access driveways, shall be required in accordance with the provisions of this article as a condition precedent to the occupancy of such building or use. Facilities shall be provided for the entire building or use:

A. Whenever a building is constructed or a new use established;
B. Whenever the use of an existing building is changed to a use requiring more parking facilities;
C. Whenever an existing building is altered or enlarged so as to increase the amount of parking spaces required under this Chapter.

SECTION 19.02 CONTINUATION OF PARKING FACILITIES  All off-street parking facilities, or those required as accessory to a use proposed or altered building, shall continue unobstructed in operation, shall not be used for commercial automobile service or repair and shall not be reduced below the required size as long as the principal use remains, unless an equivalent number of spaces is provided for such use in another approved location.

In order to insure the continued use for parking purposes of any area established therefore by persons who are not the owners thereof, the Borough Council may require, before approval, evidence in writing that the owner or owners of the land to be included in such parking areas have by covenant agreed to allow the use of such land for the required off-street parking; such covenant to be filed for record with the Recorder of Deeds of Lebanon County.

SECTION 19.03 STANDARDS AND DEFINITIONS  For the purpose of determining accessory off-street parking requirements, definitions and standards shall be as follows:

A. "Accessory parking space" means an open or enclosed area accessible from a street for parking of motor vehicles or owners, occupants, employees, customers, or tenants of the main building or use. Each parking space shall be not less than ten (10) feet wide and not less than twenty (20) feet long, exclusive of all drives, curbs, and turning space. The number of spaces shall be determined from an accurate plan of the area.

B. "Floor area" means the total area of all the floors measured from the exterior faces of the building (except that floor area used for storage or packaging of merchandise may be excluded), or, where set forth in the schedule in Section 19.04 only the floor area used by a specific use.

C. "Seat" means the number of seating units installed or indicated, or each twenty-four (24) linear inches of benches, pews, or space for loose chairs or similar seating facilities; spacing of rows shall be thirty (30) inches on center.

D. "Required minimum parking spaces" means the minimum number of spaces required by applying the Schedule in Section 19.04 to a specific building or group of buildings.
### BUILDING OR USE

<table>
<thead>
<tr>
<th>INSTITUTIONAL</th>
<th>PARKING SPACES REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Civic and educational; Primary and Secondary School, library; places for public assembly</td>
<td>One (1) space for each employee plus one (1) space for each five (5) seats in assembly rooms.</td>
</tr>
<tr>
<td>B. Governmental; municipal building used for administrative functions</td>
<td>One (1) space for each two hundred (200) square feet of office floor area plus one (1) space for each four (4) seats in assembly rooms.</td>
</tr>
<tr>
<td>C. Place of worship</td>
<td>One (1) space for each four (4) seats in the principal assembly room.</td>
</tr>
<tr>
<td>D. Welfare: Hospital</td>
<td>One (1) space per three (3) beds plus one (1) space for each employee on the largest shift.</td>
</tr>
<tr>
<td>Health Center</td>
<td>One (1) space per one hundred fifty (150) square feet of floor area.</td>
</tr>
<tr>
<td>Home for the aging; Nursing Home</td>
<td>One (1) space per each five (5) guest rooms or apartment units plus one (1) space for each employee.</td>
</tr>
<tr>
<td>E. Dormitories</td>
<td>3/4 space for each on campus resident.</td>
</tr>
<tr>
<td>College/University, etc. - classroom</td>
<td>One (1) space for each employee plus one (1) space for each six (6) students as determined by lawful maximum capacity of building.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RESIDENTIAL</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>F. One (1), two (2), and multi-family dwelling units, including town houses and garden apartments.</td>
<td>Two (2) spaces per dwelling unit.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OFFICE BUILDING</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>G. Medical and dental offices and clinics</td>
<td>One (1) space per two hundred (200) square feet of floor area plus one (1) space for each doctor and dentist.</td>
</tr>
<tr>
<td>H. Other Offices</td>
<td>One (1) space per four hundred (400) square feet of ground floor area; one (1) space per five hundred (500) square feet of floor area of upper floors.</td>
</tr>
<tr>
<td>I. Motel, Hotel</td>
<td>One (1) space per guest room or unit.</td>
</tr>
</tbody>
</table>

*Amended 11-11-80
J. Mortuary

One (1) space per thirty (30) square feet of assembly rooms, or one (1) space for each four (4) seats, whichever requires the greater number, but in no case less than twenty (20) spaces.

RETAIL BUSINESS

K. Retail stores, banks, service establishments

One (1) space per three hundred (300) square feet of ground floor area; one (1) space per five hundred (500) square feet of floor area of upper floors.

L. Eating places, bars, taverns

One (1) space per two hundred (200) square feet of floor area, or one (1) space per two (2) seats, whichever requires the greater number of spaces.

M. Club, lodge, or other assembly

One (1) space per four (4) seats in building.

COMMERCIAL BUSINESS

N. Indoor theater

One (1) space per four (4) seats in building.

O. Dance hall, skating rink, swimming pool

One (1) space per fifty (50) square feet of area used for dancing, skating, or swimming.

P. Bowling Alley

Four (4) spaces per bowling lane.

Q. Service and Storage

One (1) space for every two (2) employees on the combined employment on the two (2) largest successive shifts.

R. Executive offices, sales

One (1) space per two hundred (200) square feet of executive and sales office floor area or one (1) space for every two (2) employees, whichever is larger.

S. Service and storage establishments, laboratories, manufacturing plants, and other permitted uses in the manufacturing district.

One (1) space for every two (2) employees on the largest working shift.

OTHER BUILDINGS, OR USES

T. For a specific building or use not shown, the Zoning Officer shall apply the unit of measurements of the above schedule deemed to be most similar to the proposed building or use.
SECTION 19.05 SEPARATE OR COMBINED USE OF FACILITIES A building containing one (1) use shall provide the off-street parking spaces as required for the specific use. A building or group of buildings containing two (2) or more uses, operating normally during the same hours, and which have different off-street parking requirements, shall provide spaces for not less than the sum of spaces required for each use.

SECTION 19.06 PARKING AND GARAGE FACILITIES FOR RESIDENCES Accessory parking facilities shall be located on the same lot as the dwelling served. Each single family, duplex, two-family and multi-family dwelling shall have on its premises a private parking space sufficient in capacity for the storage at one time of at least two (2) passenger automobiles for each dwelling on the premises.

SECTION 19.07 ACCESS DRIVES TO PARKING AREAS The location and width of entrance and exit driveways to parking facilities shall be planned to interfere as little as possible with the use of nearest property and with pedestrian and vehicular traffic on the nearest streets.

A. The centerline of the access driveways on the frontage street shall be at least thirty-five (35) feet from the right-of-way line of the nearest intersecting street.

B. Where there is more than one (1) driveway to a parking area, the driveway whenever possible, shall be limited to one-way travel either as an entrance to or exit from the parking area and shall be clearly marked.

C. In no case shall there be more than two (2) driveways for each one hundred (100) feet of frontage on any street. The two (2) driveways shall be not closer than twelve (12) feet.

D. No roadway shall be closer than twelve (12) feet to the point of intersection of two (2) property lines at any corner of the property as measured along the property line, and no roadway shall extend across such extended property line.

E. The width of such roadways shall be measured at right angles to the centerline of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the abutting right-of-way.

F. In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the permitted roadways. On the two (2) ends and the street side of each island there shall be concrete curb, the height, location and structural specifications of which shall be approved by the Borough Engineer.

G. Entrances and exits shall be limited to three (3) lanes. The width of such entrances and exits, measured at the street property line, shall conform with the following schedule:

<table>
<thead>
<tr>
<th>WIDTH (FEET)</th>
<th>MINIMUM</th>
<th>MAXIMUM</th>
</tr>
</thead>
<tbody>
<tr>
<td>One (1) Lane</td>
<td>12</td>
<td>14</td>
</tr>
<tr>
<td>Two (2) Lanes</td>
<td>20</td>
<td>28</td>
</tr>
<tr>
<td>Three (3) Lanes</td>
<td>30</td>
<td>40</td>
</tr>
</tbody>
</table>
In all cases, radius of the edge of the driveway apron shall be at least fifteen (15) feet so that a car entering or leaving may not obstruct vehicles in other traffic lanes in the driveway or street.

**SECTION 19.08 IMPROVEMENTS TO PARKING AND LOADING AREAS** All parking areas, loading areas, and access driveways, except for one (1) and two (2) family detached and semi-detached dwellings, shall have asphalt, concrete, or other similar hard surface, in accordance with all applicable Borough Ordinances. Surface water, in excess of that which was in evidence prior to improvements, shall not be permitted to discharge onto public sidewalks, roadways, or other premises. Such improvements and the disposal of water runoff created therefrom, shall be approved in writing by the Soil Conservation Service and/or the Department of Environmental Resources prior to the issuance of the Building and Zoning Permit. The Borough Engineer may require implementation of Soil Conservation Service recommendations. The maximum grade of the parking area shall not exceed two (2) percent.

Appropriate bumper guards or curbs shall be provided in order to define parking spaces or limits of paved areas and to prevent vehicles from projecting into required yards. Borough Council, upon recommendations from the Planning Commission, may require landscape features or a fence between a parking or loading area and a side or rear lot of a residential use or district. All curbs and bumper guards shall be constructed in accordance with standards established by Borough Council.

**SECTION 19.09 ILLUMINATION OF PARKING AND LOADING AREAS** Parking and loading areas shall be illuminated whenever necessary to protect the public safety. Such illumination shall be so designed and located that the light sources are shielded from adjoining residences and residential streets, and shall not be of excessive brightness or cause a glare hazardous to pedestrians and drivers.

**SECTION 19.10 APPROVAL OF PARKING AND LOADING PLAN** Detailed drawings of off-street parking and loading areas (except for one (1) and two (2) family detached and semi-detached dwellings) shall be submitted to the Zoning Officer for approval prior to their construction. The drawing shall show each space, dimensions of driveways, aisles and other features required under the provisions of this article. In instances when the drawings do not show full compliance with the requirements of the article, the Zoning Officer shall reject the plans. The decision of the Zoning Officer may be appealed to the Zoning Hearing Board who may, in specific cases when the size, shape, or location of the parking or loading area is such that it is impractical to meet the strict requirements of this article, upon proper showing, vary the strict terms hereof in accordance with the powers granted in this Ordinance.

**SECTION 19.11 INTERIOR CIRCULATION** The interior circulation of traffic shall be designed so that no driveway or street providing parking spaces shall be used as a through street. If parking spaces are indicated by lines with angles other than 90°, then traffic lanes shall be restricted to one-way with suitable markings permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than ten (10) feet in width.

*Amended 11-11-80*
PART 20
SIGNS AND ADVERTISING STRUCTURES

Signs may be erected and maintained only when in compliance with the provisions of this Ordinance and any and all ordinances and regulations relating to the erection, alteration and maintenance of signs and similar devices.

SECTION 20.01 AREA OF SIGNS The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or printed on a surface, the area shall be considered to be the smallest rectangle which can be drawn to encompass all of the letters and symbols.

Double face signs shall be considered as one (1) sign.

SECTION 20.02 GENERAL REGULATIONS All signs and/or advertising structures, where permitted in the Zoning Ordinance, are subject to the following:

A. No sign shall be erected, enlarged, or relocated until a permit for so doing has been issued by the Zoning Officer, except that no permit shall be required for historical or geographical identification signs, real estate signs or temporary signs as specified in the Ordinance.

B. Every sign shall be kept in a state of good repair from the standpoint of safety, fire protection and appearance. The Zoning Officer shall require such maintenance and, in the event of failure of a sign owner to correct unsafe conditions or dilapidated appearance within fifteen (15) days after written notification from the Zoning Officer, he shall order the removal of the sign by the Borough at the owner's expense. All signs not owned by the person, firm or organization advertising thereon shall carry a clearly legible imprint showing the owner's name.

C. Construction and wiring of all electric signs shall comply with the requirements of the present National Electrical Code and operating permits will not be issued therefore until the label of the Underwriter's Laboratories has been affixed. No sign shall be so illuminated as to permit spot or flood lights to shine into or have a blinding effect upon vehicular traffic. No sign shall be so illuminated as to constitute a nuisance by spilling light into any adjacent residential property.

D. No sign shall contain moving parts or use flashing or intermittent illumination. The source of light shall be steady and stationary. No electrical bulb shall be exposed unless satisfactory shielded from view by a globe or other visible barrier.

E. A sign which is illuminated in whole or part in the colors of red, green, or amber, either by colored bulbs, tubing, fluorescent paint or glass, may not be located within a radius of one hundred (100) feet of a street traffic light or similar safety device or in the center of any street intersection.

F. No sign shall be higher than thirty-five (35) feet from the ground to the highest part of the sign.
G. No sign shall be erected which obstructs the entrance to or exit from a required door, window, fire escape or other required exitway.

H. Temporary signs not exceeding a total of twelve (12) square feet in area of contractors, painters, mechanics and the like are permissible in all districts, provided such signs are removed as soon as work has been completed on the site.

I. Temporary signs and banners of a non-commercial nature across a public right-of-way are permitted provided permission in writing is obtained from Borough Council, provided it is erected in a location in which it will not cause a traffic hazard, provided it meets safety standards and is maintained, and provided it is removed within forty-eight (48) hours after the temporary use is completed.

J. Bulletin or announcement boards or identification signs for schools, churches, hospitals, recreation areas, and similar uses or buildings, provided that the area of any such signs shall not exceed twelve (12) square feet and not more than one (1) such sign shall be placed on property held in single and separate ownership unless such property fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage.

K. No signs shall be permitted which are pasted, stapled, or otherwise permanently attached to public utility poles, or trees within the street line.

L. No loud, vulgar, indecent, or obscene advertising matter shall be permitted in any manner.

SECTION 20.03 SIGNS IN RESIDENTIAL DISTRICT The following types of signs may be permitted in residential districts unless otherwise provided:

A. One (1) name plate for a home occupation, provided it does not exceed two (2) square feet and identifies only the name and title of the occupant. It shall not extend beyond a vertical plane two (2) feet inside the road right-of-way line. If lighted, it shall be illuminated without objectionable glare. No displays or change in facade shall indicate from the exterior that the building is being used in whole or part for any purpose other than that of a dwelling.

B. One (1) real estate sign, provided it is not closer than two (2) feet from the right-of-way line, does not exceed six (6) square feet in area and pertains to the lease, rental or sale of the premises on which it is maintained.

C. One (1) institutional sign, provided it does not exceed sixteen (16) square feet in area and is not closer than twenty (20) feet to the existing road right-of-way line. If lighted, it shall be illuminated without objectionable glare.

D. Signs up to two (2) square feet in area on each side which are necessary for the identification, protection and operation of public utility facilities.

SECTION 20.04 SIGNS IN THE CENTRAL BUSINESS DISTRICT Each permitted use may have one (1) sign for each street frontage provided the sign is a wall, projecting, or free standing sign erected in compliance with the following provisions:

A. No sign shall exceed twelve (12) square feet in area and shall contain only information relative to the name and/or title of the business and the kinds
of products sold on the premises.

B. Signs may be illuminated directly or indirectly, but in no case shall it cast objectionable glare upon adjacent properties.

C. In no case shall any sign project across the existing street right-of-way line. In instances where a sign projects or is free standing over an existing sidewalk, said sign shall be no lower than eight (8) feet, measured from grade to the lowest part of the sign.

D. Signs for home occupations are permitted, provided the requirements specified in Section 20.03 (A) are met.

E. No sign shall be erected in a fashion that interferes with or obstructs the view of traffic or pedestrians. The Zoning Officer shall determine whether a sign proposed to be erected may cause an obstruction of the aforementioned type.

SECTION 20.05 SIGNS IN OFFICE AND INSTITUTIONAL DISTRICTS Each permitted use may have one (1) sign for each road frontage provided the sign is a wall, projecting, or free standing sign erected in compliance with the following standards:

A. No sign in this district shall exceed twenty (20) square feet in size.

B. One (1) wall sign to a property, provided it is attached to the wall of a building and projects horizontally not more than twelve (12) inches therefrom, is not less than ten (10) feet above the sidewalk or grade.

C. One (1) projecting sign, provided it shall not project beyond a vertical plane two (2) feet inside the road right-of-way line.

D. One (1) free standing sign provided it does not extend beyond a vertical plane two (2) feet inside the lot from the road right-of-way line and shall not exceed a height of fifteen (15) feet measured from existing grade to the top of said sign. A minimum of ten (10) feet shall be provided between the ground and the lowest part of the sign.

SECTION 20.06 SIGNS IN INDUSTRIAL, AND C-2, AND C-3 COMMERCIAL DISTRICTS Each permitted use may have one (1) sign for each road frontage provided the sign is a wall, roof, projecting, or free standing sign erected in compliance with the following standards:

A. One (1) wall sign to a property, provided it is attached to the wall of a building and projects horizontally not more than twelve (12) inches therefrom, is not less than ten (10) feet above existing grade and occupies not more than twenty (20) percent of the total area of the front of the principal building. It shall not project more than three (3) feet above the roof line or parapet wall.

B. One (1) projecting sign, provided it shall not project beyond a vertical plane two (2) feet inside the road right-of-way line and does not exceed twenty (20) square feet in area and is not less than eight (8) feet above the existing grade.

C. One (1) free standing sign not to exceed eighty (80) square feet in area. It shall not extend beyond a vertical plane two (2) feet inside the lot from the road right-of-way line and shall not exceed a height of thirty-five (35) feet.
Said sign shall provide a minimum of ten (10) feet between the ground and base of the sign.

D. General shopping district identification signs, provided they are separate and not attached to any building. A maximum of two (2) such signs for any one (1) general shopping district is permitted. The height of signs shall be a maximum of thirty-five (35) feet measured from the ground, and the maximum size of the sign portion itself shall not exceed one hundred (100) square feet.

SECTION 20.07 PROHIBITED SIGNS No sign shall be erected, relocated or enlarged which, in the opinion of the Zoning Officer, shall:

A. Create a traffic hazard as a result of screening traffic signals or signs of which may cause confusion by utilizing red, green, or amber lights or reflectorized material which creates a flashing action and is so located as to resemble or render ineffective any traffic sign or signal which uses the words "stop", "slow" or "danger" or any other traffic device.

B. Which is painted, pasted or otherwise affixed to any trees, rock, utility pole, hydrant, bridge, sidewalk, curb or street except when authorized by and under a permit from an authorized public agency or required by law.

SECTION 20.08 NONCONFORMING SIGNS Nonconforming signs, once removed shall thereafter be replaced only in conformance with the requirements of this Ordinance. Nonconforming signs may be repainted or repaired but shall not be enlarged thereby to exceed the dimensions of the existing sign.
PART 21
ADMINISTRATION AND ENFORCEMENT
BUILDING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE

SECTION 21.01 ADMINISTRATION AND ENFORCEMENT An administrative official designated by the Borough Council shall administer and enforce this Ordinance. He may be provided the assistance of such other persons as the Borough Council may direct.

If the administrative official shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

SECTION 21.02 BUILDING PERMITS REQUIRED No building or other structure shall be erected, constructed, moved, added to, altered, nor the use therein changed without a permit therefore issued by the administrative official except in conformity with the provisions of this Ordinance, unless he receives a written order from the Zoning Hearing Board in the form of an administrative review, Special Exception, or Variance as provided by this Ordinance.

SECTION 21.03 APPLICATION FOR BUILDING AND ZONING PERMIT All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land, the number of families, housekeeping units, or rental units the building is designed to accommodate, conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance. When all the necessary information has been provided, the Zoning Administrator shall have a maximum of fifteen (15) days to process said permit. The original plan shall be returned to the applicant by the administrative official after he shall have marked such copy either as approved or disapproved and attested to the same by his signature of such original. The two (2) copies of the plans, similarly marked, shall be retained by the administrative official. In addition to the building permit, the administrative official shall issue a placard which shall be displayed on the premises during the time construction is in progress.

Furthermore, the Zoning Administrator shall issue no Building and Zoning Permits for the construction of dwelling units, or other structures requiring connection to public sewer and water facilities until the applicant has produced a permit showing approval, by the Borough, of the proposed connection and has also secured a Driveway Permit for Borough Roads whenever necessary.

SECTION 21.04 CERTIFICATES OF ZONING COMPLIANCE FOR NEW, ALTERED, OR NONCONFORMING USES It shall be unlawful to use, occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, if erected, con-
verted, or wholly or partly altered or enlarged in its use of structure until a Certificate of Zoning Compliance has been issued by the administrative official stating that the proposed use of the building or land conforms to this Ordinance.

No nonconforming structure or use shall be maintained, renewed, changed, or extended until a Certificate of Zoning Compliance shall have been issued by the administrative official. The Certificate of Zoning Compliance shall state specifically wherein the nonconforming use differs from the provisions of this Ordinance. Upon enactment or amendment of this Ordinance, owners or occupants of nonconforming uses or structures shall apply for Certificates of Zoning Compliance.

No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a Certificate of Zoning Compliance, and the certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

A temporary Certificate of Zoning Compliance may be issued by the administrative official for a period not to exceed six (6) months during alterations or partial occupancy of a building pending its completion. Such temporary Certificate may include such conditions and safeguards as will protect the safety of the occupants and public.

The administrative official shall maintain a record of all Certificates of Zoning Compliance and a copy shall be furnished upon request of any person.

Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Ordinance and punishable under Part 30 of this Ordinance.

SECTION 21.05 TEMPORARY USE PERMITS It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time, activities which may be prohibited by other provisions of this Ordinance. If such uses are of such a nature and are so located that, at the time of petition of Special Exception they will:

A. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone, or

B. Contribute materially to the welfare of the Borough particularly in a state of emergency, under conditions peculiar to the time and place involved,

then the Zoning Hearing Board may, subject to all regulations for the issuance of Special Exceptions elsewhere specified, direct the Zoning Officer to issue a permit for a period not to exceed six (6) months. Such permits may be extended not more than once for an additional period of six (6) months.

SECTION 21.06 EXPIRATION OF BUILDING PERMIT If the work described in any building permit has not begun within ninety (90) days from the issuance thereof, said permit shall expire; it shall be cancelled by the administrative official; and written notice thereof shall be given to the persons affected.

If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be cancelled by the administrative official, and written notice that future work as described in the cancelled permit shall not proceed unless and until a new
SECTION 21.07 CONSTRUCTION AND USE TO BE PROVIDED IN APPLICATION, PLANS, PERMITS, AND CERTIFICATES OF ZONING COMPLIANCE Building permits or Certificates of Zoning Compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement and construction set forth in such approved plans and applications. No changes of any kind shall be made to the application, permit or any of the plans submitted with the application without the written approval of the Zoning Officer. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided by Part 30 hereof.

PART 22
ZONING HEARING BOARD: ESTABLISHMENT AND PROCEDURE

A Zoning Hearing Board is hereby established, which shall consist of three (3) members of the municipality to be appointed by the Borough Council for a term of three (3) years and shall be so established that one (1) term of office shall expire each year. Members of the Zoning Hearing Board may be removed from office by the Borough Council for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the Borough Council for the unexpired term of the member affected. Members of the Zoning Hearing Board shall hold no other office in the municipality except that no more than one (1) member of the Board may also be a member of the Planning Commission.

SECTION 22.01 PROCEEDINGS OF THE ZONING HEARING BOARD The Zoning Hearing Board shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Zoning Hearing Board shall follow all procedures as established by Article 9 of Act 247, Pennsylvania Municipalities Planning Code, or its amendments.

SECTION 22.02 HEARINGS, APPEALS, NOTICE Appeals to the Zoning Hearing Board concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the Borough affected by any decision of the administrative official. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days or such lesser period as may be provided by the rules of the Board, by filing with the administrative official and with the Zoning Hearing Board a notice of appeal specifying the grounds thereof. The administrative official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Zoning Hearing Board shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within forty-five (45) days after the hearing. At the hearing, any party may appear in person or by agent or attorney.

SECTION 22.03 STAY OF PROCEEDINGS An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the

-298-
appeal is taken certifies to the Zoning Hearing Board after notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Hearing Board or by a court of record on application, or notice to the administrative official from whom the appeal is taken and due cause shown.

PART 23
ZONING HEARING BOARD: POWERS AND DUTIES

The Zoning Hearing Board shall have the following powers and duties:

SECTION 23.01 ADMINISTRATIVE REVIEW To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this Ordinance.

SECTION 23.02 SPECIAL EXCEPTIONS, CONDITIONS GOVERNING APPLICATION, AND PROCEDURES To hear and decide only such Special Exceptions as the Zoning Hearing Board is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether Special Exceptions should be granted; and to grant Special Exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny Special Exceptions when not in harmony with the purpose and intent of this Ordinance. A Special Exception shall not be granted by the Zoning Hearing Board unless and until:

A. A written application for a Special Exception is submitted indicating the section of this Ordinance under which the Special Exception is sought and stating the grounds on which it is requested;

B. First notice shall be given at least fourteen (14) days, and no more than thirty (30) days, in advance of public hearing. The owner of the property for which Special Exception is sought and the Lebanon County Planning Department shall be notified by mail. Notice of such hearing shall be posted on the property in question, at the Borough meeting place, and in one (1) newspaper of general circulation in the Borough. The news article shall be published once each week for at least two (2) successive weeks.

C. The public hearing shall be held. Any party may appear in person, or by agent or attorney.

D. The Zoning Hearing Board shall make a finding that it is empowered under the section of this Ordinance described in the application to grant the Special Exception, and that the granting of the Special Exception will not adversely affect the public interest.

E. Before any Special Exception shall be issued, the Board shall make written findings certifying compliance with the specific rules governing individual Special Exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and the access in case of fire or catastrophe.

-299-
2. Off-street parking and loading areas where required, with particular attention to the items in #1 above and the economic, noise, glare or odor effects of the Special Exception on adjoining properties generally in the district.

3. Refuse and service areas, with particular reference to the items in #1 and #2 above.

4. Utilities, with reference to locations, availability, and compatibility.

5. Screening and buffering with reference to type, dimensions, and character.

6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.

7. Required yards and other open space.

8. General compatibility with adjacent properties and other properties in the district.

SECTION 23.03 VARIANCES, CONDITIONS GOVERNING APPLICATIONS, AND PROCEDURES To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Zoning Hearing Board unless and until:

A. A written application for a variance is submitted demonstrating:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

3. That the special conditions and circumstances do not result from the actions of the applicant.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

In granting any variance, the Zoning Hearing Board may prescribed appropriate conditions and safeguards in conformity with this Ordinance.

Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Part 30 of this Ordinance.

SECTION 23.04 BOARD HAS POWERS OF ADMINISTRATIVE OFFICIAL ON APPEALS: REVERSING DECISION OF ADMINISTRATIVE OFFICIAL In exercising the above mentioned powers, the Zoning Hearing Board may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order,
requirement, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

The concurring vote of two (2) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

If construction has not commenced, the granting or approval of any Special Exception or Variance shall become null and void two (2) years from the date of the Zoning Hearing Board decision. Additionally, prior to the start of construction, the Special Exception or Variance immediately becomes invalid upon such transfer of ownership.

PART 24
APPEALS FROM THE ZONING HEARING BOARD

Any person or persons, or any board, or bureau of the Borough aggrieved by any decision of the Zoning Hearing Board may seek review by a court of record of such decision, in the manner provided by the laws of the State and particularly by Article 6, Pennsylvania Municipalities Planning Code.

PART 25
DUTIES OF ADMINISTRATIVE OFFICIAL
ZONING HEARING BOARD, BOROUGH COUNCIL
AND COURTS ON MATTERS OF APPEAL

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that recourse from the decisions of the Zoning Hearing Board shall be to the courts as provided by law and particularly by Article 6, Pennsylvania Municipalities Planning Code.

It is further the intent of this Ordinance that the duties of the Borough Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this article of this Ordinance. Under this Ordinance the Borough Council shall have only the duties (1) of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law, (2) of establishing a schedule of fees and charges as stated in Article 26 and (3) those duties specifically noted in other articles of this Ordinance.

PART 26
SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Borough Council shall establish a schedule of fees, charges, and expenses and a
collection procedure for building permits, Certificates of Zoning Compliance, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the administrative official, and may be altered or amended only by the Borough Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or application of appeal.

PART 27
AMENDMENTS

The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed provided, however, that no such action may be taken until after a public hearing in relation thereto by the Borough Council, at which parties in interest and citizens shall have an opportunity to be heard. At least fourteen (14) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Borough at least once in each of two (2) successive weeks.

If the amendment is initiated by any party other than the municipal planning agency or county planning agency, the governing body shall submit each amendment to the municipal planning agency and/or county planning agency at least thirty (30) days prior to the hearing on such proposed amendment to provide these agencies with an opportunity to submit recommendations. If after any public hearing held upon an amendment, the proposed amendment is revised, or further revised to include land previously not affected by it, the governing body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

PART 28
PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

PART 29
COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the administrative official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.
PART 30
PENALTIES FOR VIOLATIONS

Any person, partnership or corporation who or which shall violate the provisions of this Ordinance, upon conviction thereof in a summary proceeding, shall be sentenced to pay a fine of not more than five hundred dollars ($500.00) nor less than fifty dollars ($50.00) plus cost of prosecution. In default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than sixty (60) days. Each day that a violation is continued shall constitute a separate offense. All fines collected for violation of the Zoning Ordinance shall be paid to the Borough of Myerstown.

The owner or tenant of any building, structure, premises, or parts thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the Borough from taking such other lawful action as is necessary to prevent or remedy any violation.

PART 31
SEVERABILITY CLAUSE

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

PART 32
REPEALED OF CONFLICTING ORDINANCES
EFFECTIVE DATE

All ordinances or parts of ordinances in conflict with this Zoning Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give the Ordinance full force and effect. It is hereby declared that Ordinance #479 with the subsequent amendments made thereto prior to the effective date of this Ordinance #605 are in conflict and inconsistent with this Ordinance #605, and Ordinance #479 with the amendments made thereto prior to the effective date of this Ordinance #605 are hereby specifically repealed.

This Ordinance shall become effective on April 1, 1979.

Ordained and enacted into law this 13th day of March, 1979.

Edward H. Treat, Secretary
Borough of Myerstown

Frank Ondrusek, Mayor
Ervin J. Sherk, President, Borough Council
PART 33

ORDINANCE NO. 615

AN ORDINANCE AMENDING THE MYERSTOWN BOROUGH ZONING ORDINANCE NO. 605, THE AMENDMENT BEING THE ADDITION OF PROVISIONS PROHIBITING THE OPERATION OF CERTAIN BUSINESSES AND PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE BOROUGH OF MYERSTOWN

The Borough of Myerstown hereby ordains as follows:

SECTION 1. That Part I of Ordinance No. 605 shall be amended to include the following additional definitions:

**OBSCENE MATERIALS** - Any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written or printed matter which

(1) depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse or (in the case of articles or instruments) is designed or intended for use in achieving artificial sexual stimulation; and

(2) taken as a whole, appeals to the prurient interest; and

(3) taken as a whole, does not have serious literary, artistic, political or scientific value.

**PRURIENT INTEREST** - A shameful or morbid interest in nudity, sex, or excretion which goes substantially beyond customary limits of candor in description or representation of such matters and is matter which is without redeeming social importance, as judged with reference to average adults; provided, however, if it appears from the nature of the material or the circumstances of its dissemination, distribution or exhibition that it is designed for clearly defined deviant sexual groups, the predominant appeal of the matter shall be judged with reference to its intended recipient group.

**SADOMASOCHISTIC ABUSE** - Flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

**SEXUAL CONDUCT** - Actual or simulated acts of human masturbation, sexual intercourse or any touching of the clothed or unclothed genitals, pubic area, or buttocks of the human male or female or the breasts of the female, whether alone or between members of the same or opposite sex, or between humans and animals.

**SEXUAL EXCITEMENT** - The condition of human male or female genitalia when in a state of sexual stimulation or arousal.

**MASSAGE** - Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing.
alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment
or other such similar preparations commonly used in the practice of massage,
under such circumstances that it is reasonably expected that the person to
whom the treatment is provided or some third person on his or her behalf will
pay money or give any other consideration or any gratuity therefor.

MASSAGE PARLOR - Any establishment having a source of income or compensation
derived from the practice of massage and which has a fixed place of business
where any person, firm, association or corporation engages in or carries on
the practice of massage.

HEAD SHOP - Any business, the operation of which involves the sale, lease,
trade, gift or display for sale, of any and all types of drug paraphernalia.

DRUG PARAPHERNALIA - Any objects, devices, instruments, apparatus or contri-
vances, whose primary and traditionally exclusive use is involved with the
illegal use of any and all controlled substances under the laws of Pennsylvania.

CONTROLLED SUBSTANCE - A drug, substance or immediate precursor as defined in
schedules 1 through 5 of the Pennsylvania Controlled Substance, Drug Device
and Cosmetic Act, 35 P.S. §780.104, or any amendments thereto.

IMMEDIATE PRECURSOR - A substance which under the regulations of the Pennsyl-
vania Department of Health is a principle compound commonly used or produced
primarily for use, and which is an immediate chemical intermediary used or
likely to be used, in the manufacture of a controlled substance.

TRADITIONALLY EXCLUSIVE USE - A use which is primary and inherent as opposed
to secondary and incidental, and is associated with certain knowledge or
beliefs derived from statements of contemporary persons and handed down through
a considerable period of time.

NUDITY - The showing of the human male or female genitals, pubic area or buttocks
with less than a fully opaque covering, or the showing of the female breast with
less than a fully opaque covering of any portion thereof below the top of the
nipple, or the depiction of covered male genitals in a discernibly turgid state.

SECTION 2. That Ordinance No. 605 shall be amended by adding the following provision
which shall be added as a provision in all the Use Districts of the Borough of Myerstown:

PROHIBITED USES. The following uses shall be prohibited in all zoning districts
throughout the Borough:

A. The operation of any business which has obscene materials as a
substantial or a significant portion of its stock-in-trade.

B. The operation of any massage parlor in which any of the fol-
lowing activities are carried on:

   (1) The treatment of any person of the opposite sex,
   except upon the signed order of a licensed physi-
   cian, osteopath, chiropractor, or registered
   physical therapist, which order shall be dated
   and shall specifically state the number of treat-
   ments, not to exceed ten (10). The date of hour
   of each treatment given and the name of the opera-
   tor shall be entered on such order by the estab-
lishment where such treatments are given and shall be
given to inspection by police. The requirements of
this provision shall not apply to treatments given
in the residence of a patient, the office of a licensed
physician, osteopath or registered physical therapist,
chiropractor or on a regularly established and licensed
hospital or sanitarium.

(2) The massage of, or physical contact with, the sexual or
genital parts of one person by any other person. Sexual
or genital parts shall include the genitals, pubic area,
buttocks, anus, or perineum of any person, or the vulva
or breasts of a female.

(3) The failure to conceal with a fully opaque covering, the
sexual or genital parts of the body of any person.

C. The operation of any business which involves, in whole or in part, the
sale, lease, trade, gift or display for sale, of any and all types of
drug paraphernalia, as defined herein.

D. The operation of any business or other public establishment which displays
or places into public view magazines, newspapers or materials in which nudity,
sex, and/or obscenity constitutes a significant part, in such manner that
minors under the age of eighteen (18) years who are, or may be, invited as
part of the general public onto or into the business premises, may be sub-
jected to an offensive visual encounter with the nudity, sexual conduct,
or obscene portions of such materials, merely by glancing around the
premises. It is hereby determined, as a matter of public nuisance when
so displayed.

(1) No person, partnership, association or corporation owning a
business or other public establishment shall be in violation
of the provisions of this ordinance prohibiting the display
of certain materials to minors, if such materials are covered
or displayed in such a manner that the offensive nature of the
materials is not visible as displayed. Drop shelves or opaque
covers which allow the name of a magazine or newspaper to be
readily determined but which block the view of the offensive
nature of the materials or publication are specifically deter-
mined to be permissible methods of display.

SECTION 3. Any person, partnership, association or corporation who, or which, shall
violate any provision of this Ordinance shall for each and every violation, upon con-
viction thereof, shall be sentenced to pay a fine of not more than $300.00 and costs of
prosecution and, upon default of payment to pay such fine and costs, to imprisonment of
not more than thirty (30) days. Each day that a violation is continued shall constitute
a separate offense.

SECTION 4. SEVERABILITY. The provisions of this Ordinance are severable and if any
provision or part thereof shall be held invalid or unconstitutional or inapplicable to
any person or circumstance, such invalidity, unconstitutionality or inapplicability shall
not affect or impair the remaining provisions of this Ordinance.

ENACTED AND ORDAINED this 9th day of December, 1980.